

VOLUME 2 CHAPTER 3**CHAPTER THREE****THE HISTORICAL CONTEXT****3.0 INTRODUCTION**

The events which led to Ghana becoming a State that achieved Independence on 6th March, 1957, have had a great impact on the course of the nation's history. Problems that had emerged before Independence continued to dog the footsteps of the new nation; problems that had been shelved or side-stepped did not go away; and problems that emerged subsequent to the attainment of Independence, came in to compound the already difficult situation. These legacies of the pre-Independence period have remained of significance in charting the course of the new nation, and on the human rights record of the various governments since Independence.

PRE-INDEPENDENCE**3.1.0 LEGACIES OF THE PRE-MANDATE PERIOD****3.1.1 The Composition Of The State Of Ghana**

3.1.1.1 The nation Ghana is an artificially-created entity, deriving its existence from British colonialism. The artificial entity was made up of four distinct component parts. In the south was the Colony: made up of the coastal states which had come under the British colonial government since the Bond of 1844, as well as kingdoms to the interior such as Akyem Abuakwa and Akwamu. It was not a monolithic entity, as the various states therein had their own disagreements and tensions. In the middle was the kingdom of Ashanti: territory which had been annexed by the British after its conquest at the end of the Yaa Asantewaa War in 1901. To the north were the Northern Territories: kingdoms which had come under British influence by reason of treaties of friendship executed between the British Government and the traditional rulers. These had been put together for administrative purposes as the "Northern Territories" under the Northern Territories Ordinance of 1901. The fourth part was Trans-Volta Togoland: the British Trust Territory which was originally part of the German colony that was lost to the Allies after the First World War, and that was split up between Britain and France and administered under a mandate of the League of Nations. When the League of Nations was transformed into the United Nations Organisation, responsibility for the Mandated Territories was transferred to the Trusteeship Council in 1946. Consequently, the Mandated Territories became known as the Trust Territories.

3.1.1.2 These four parts came under British influence and rule at different times, and the level of development, both social and economic, depended in a large measure, upon the

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British Government's appreciation of the economic worth of the particular area. The Legislative Council which made law for the Colony was given power over the other areas by the Northern Territories Order-in-Council in 1934. This Order-in-Council made the

Chief Commissioner of the Northern Territories a member of the Gold Coast Executive Council, and also gave the Legislative Council power to legislate for the Colony, Ashanti and the Northern Territories as if they were a single territory. Despite this expanded scope of authority, it had no representatives from Ashanti nor the Northern Territories until 1946. The problem of uneven development and uneven access to power within the new political entity was one of the most serious legacies of the pre-Independence period.

3.1.2 The Issue of Trans-Volta Togoland (TVT)

3.1.2.1 In 1952 the British Government decided to put the south-eastern part of the Colony, that had always been administered as part of the Eastern Province, together with the southern part of Trans-Volta Togoland (TVT) as one entity for administrative purposes. This arrangement was adopted in spite of the fact that the TVT, being a Trust territory, had a different legal status from the Colony. Eventually, the TVT became a part of the Gold Coast upon its attainment of Independence, by reason of a combination of events. Political agitation in the Gold Coast had reached such a tempo that the British foresaw that it would soon have to grant the territory independence. In 1954, the British Government informed the United Nations that it would not be in a position to administer the Trust Territory after the Gold Coast gained Independence. This information to the United Nations increased the pace of agitation by Ewe nationalists who had been campaigning since 1946 for the two Trust Territories of Britain and France to merge as one independent country in order to re-unite the Ewe peoples who had been split up by the Mandate of the League of Nations. They feared that the split would become permanent, should separate arrangements be made for the two Trust Territories. The Togoland Congress (TC), under the leadership of S.G. Antor, had emerged to champion the cause of separation from the Gold Coast because they believed that if the British Trust Territory integrated with the Gold Coast upon independence, the French would also annex the French-speaking part, leading to a permanent split of the ethnic group. For this reason, they wanted the British Trust Territory to remain separate until a decision could be taken about the French portion. The issue was made somewhat more complicated by the fact that, whilst some of the agitators wanted the Anlo-Ewe of the south-east of the Colony to be integrated with the Trust Territories in order that all Ewes would be in one political entity, others, fearing domination of that political entity by the Anlo, wanted them to be kept out.

3.1.2.2 A further complication was that the peoples of the northern British Trust Territory preferred integration with the Gold Coast so that they could be with their kith and kin as the split had had tragic results for some of the kingdoms. For instance, the capital of the kingdom of Dagbon, Yendi, was located in the Trust Territory whilst a part of it was in the British-held Northern Territories. Other groups also had blood ties with some of the peoples of the Northern Territories and also felt a closer affinity to them than to those of

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the northern French Trust Territory, since the northern British Trust Territory, had for a long time, been administered as part of the Northern Territories of the Gold Coast.

3.1.2.3. This complicated situation led the General Assembly of the United Nations to decide in December, 1955, that the peoples of the Trust Territory should be given a chance in a plebiscite, to determine if they wished to be integrated with the Gold Coast upon its attainment of Independence, or to remain separate until a decision was taken in respect of the French-administered part. The plebiscite was held on 9th May, 1956, for the peoples of the Territories to decide whether to integrate with the Gold Coast or to remain separate. An overall majority of 58 percent in the North and South voted for integration. However, in disaggregated terms, the picture was different. In the South, where the Togoland Congress had campaigned vigorously, there was a 55 percent majority in favour of separation. Consequently the decision to integrate the TVT with the Gold Coast at its Independence, was a minority decision as far as those in the south of the Trust Territories were concerned.

3.1.2.4 The separatists were dissatisfied with the result of the plebiscite and believed that the decision in favour of integration had been procured by manipulation. Thus, at Independence, there was a large group of persons particularly in southern TVT who did not wish to be a part of Ghana. They did not abandon their agitation, and there were many disturbances in 1957 soon after Independence. Efforts to suppress these agitations led to repression of those political activists who still urged separation. Many were arrested and detained, and others fled into exile in Togo, and remained there until 1966

3.1.2.5 The Trust Territory lagged behind the Gold Coast in terms of development since the British Government did not wish to spend money on a territory it was holding in trust for the United Nations. However, the southern part of the Trust Territory suffered less than the northern part that had been completely neglected. The four northern districts of Kete Krachi; East Dagomba; Eastern Mamprussi and Kusasi received hardly any economic investment.

3.1.3 The Northern Territories

3.1.3.1 British policy discriminated between the North and the South in terms of economic development and the provision of social amenities. As a result of colonial policy, the least economically-developed area was the protectorate of the Northern Territories because the Government did not wish to spend any money on infrastructure or any aspect of development unless they were certain of reaping adequate returns. Governor Hodgson stated:

The country as far as is known is destitute of mineral wealth, it is destitute of valuable timbers, and does not produce either rubber or kola nuts or indeed any product of trade value... For the present I therefore cannot too strongly urge the employment of all available resources of the Government upon the development of the country to the south of

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Kintampo leaving the Northern Territories to be dealt with in future years.... I would not at present spend upon the Northern Territories a single penny more than is absolutely necessary for their suitable administration and the encouragement of the transit trade.¹

3.1.3.2 Consequently, the absence of economic opportunities coupled with extreme poverty, led the young men of the North to seek work in the South. The Northern Territories became the source of migrant labour southwards to the mines and cocoa farms and this was encouraged by official labour recruitment policies underpinned by the belief that men of the Northern Territories were hardworking. This belief was later articulated by Governor Guggisberg to the effect that:

every man of the Northern Territories [was] worth his weight in gold ... for the mines, for private enterprise and for the development of those schemes the completion of which are necessary to secure progress and development.²

3.1.3.3 Mining companies regularly sent agents to recruit new hands with the assistance of the District Commissioners. Although apparently desirous of ending “the career of the Northern Territories as the Cinderella of the Gold Coast”³, Governor Guggisberg did not do much to tackle the factors that produced this result. This phenomenon of southward migration had devastating consequences for social cohesion and community development for the peoples of those areas as their able-bodied young men and women abandoned their homes to seek employment, and then eventually to reside in the South.

3.1.3.4 On account of the need to preserve the North as a reservoir of cheap and unskilled labour a conscious policy not to encourage literacy by the provision of educational institutions evolved. There were thus very few educational institutions in the North that offered education beyond Primary School level, and consequently, very few well-educated people. There was thus a lot of anxiety and unhappiness with the integration of the Northern Territories into the Gold Coast and subsequently into Ghana. The leaders of the Northern Territories felt that it should receive special consideration in terms of development since it had been neglected for a long time. The leaders were also afraid of domination by the south since they had few educated elite to fill public service positions. Some of the chiefs also insisted that the treaties they signed with the British in the 19th century were friendship and protection treaties, and, consequently, the British had no authority to hand them over to another government without ensuring that they had extra protection under the Independence Constitution. Thus the development of the Northern Territories and equitable treatment of persons of northern origin, were issues that demanded attention at the dawn of Independence.

¹ R.B. Bening, *A History of Education in Northern Ghana 1907-1976* Ghana Universities Press, Accra, 1990 p 178, quoting GC Conf. 20th December, 1899, p1-4 PRO/CO 96/346.

² Bening, *supra*, p183.

³ *Ibid.*, p:179

VOLUME 2 CHAPTER 3**3.1.4 Ashanti**

3.1.4.1 There were mutual suspicions between Ashanti and the Colony. With her history of imperialism, Ashanti was disliked by her coastal neighbours, who feared domination should they be put together as one political entity. On its part, Ashanti feared domination by the Colony. In the early 1940s there were efforts at rapprochement. The Joint Provincial Council of the Colony made representations to Ashanti on the issue of working together against the colonial government. In reply the Asantehene stated:

this is not the first time that we have realized or been made to realize the need for cooperation between Ashanti and the colony ... If we were to trace out what has been the chief obstruction to our coming together we would find out that it is selfishness. Selfishness, which is the outcome of a narrow and conservative way of thinking, has kept us poles apart from one another to our own disadvantage, and it is the same evil that will, if we are not careful, undermine the move that we are now contemplating. There has been a lurking in the breasts of some of you in the colony, the fear that if you fall in with Ashanti, we shall seek to dominate you... I would like to dispel any such uncalled for fears for the days of our imperialistic aspirations are past and forgotten. What we aim at now is not that sort of federation which in the past we tried to force on you with the aid of the sword, but one in which all of us, of our own accord, shall freely enter... If in the past we waged war against one another, let us today seek rapprochement.⁴

These mutual suspicions did not die and were fuelled by developments a decade later, as demonstrated by the formation of the National Liberation Movement (NLM) in 1954.

3.1.4.2 In 1954, the NLM was born. The immediate cause was the agitation for higher prices for cocoa, and so it gained popularity in the Ashanti, Akyem Abuakwa and the Krobo areas which had large tracts of cocoa farms. The remote cause was, however, the marginalisation of the traditional ruling classes as a result of the rise of the Convention Peoples' Party (CPP). The chiefs were also suspicious of the centralist policies of the CPP and feared marginalisation in the governance of the country.

3.1.4.3 The NLM's Ashanti base and the obvious support it enjoyed from the Asantehene as well as the fact that its chairman was the senior linguist of the Asantehene – Baffour Osei Akoto - brought to the fore the mutual fear of domination that had existed since Ashanti became a part of the Gold Coast Colony. The NLM's proposal of a federal form of government was a reaction to the highly centralized form of government that they feared would lead to dictatorship from Accra.

3.1.4.4 The pitched battles that were fought in Kumasi between the NLM and the CPP and the political murders that were committed by both sides showed the ugly face of

⁴ F.M. Bourret, *GHANA – The Road to Independence 1919-1957*, Oxford University Press, London, 1966, quoting *Gold Coast Observer*, 15th October, 1943.

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partisan politics. The NLM with its Action Groupers and the CPP with its Action Troopers so terrorised residents of Kumasi that the political scars created took a long time to disappear, and led to many people being unwilling to be associated with partisan politics. By the time the NLM problem was resolved by the amendment of the proposed Independence Constitution to provide for Regional Assemblies, a lot of harm had been done. There was a great deal of bad blood between adherents of the NLM and the CPP especially because many of the NLM leaders were also dissident CPP members; and thus there were personal animosities between the leadership of the two parties.

3.1.5 Conclusion

3.1.5.1 Among the legacies that Ghana inherited at the time of its birth as an independent country were: ethnic animosities and resentments occasioned by a history of antagonism produced by inter-ethnic wars and imperialism; uneven economic development between the North and South and between the colonial holdings and Trust Territory; fears of cultural domination; the emergence of a landless urban poor as a result of urbanization; the integration into the political entity of persons who wished to belong elsewhere or who wished for a different form of government; and political leaders who were in antagonistic relationship to each other.

3.1.6 The Formation Of Political Parties In The Gold Coast**3.1.6.1 The United Gold Coast Convention (UGCC)**

3.1.6.1.1 At the end of the Second World War, the war veterans who had gone to fight in other lands for freedom on behalf of the colonial power, returned home with ideas about the quality of life that they ought to have. However, they were not trained in civil life with appropriate income-earning skills to achieve that standard, nor were they given any financial package to ease their transition into civil life. Their return, coupled with the rapid urbanisation and expansion of social amenities and infrastructure in the urban areas, produced a class of politically-conscious young men and women who began to appreciate the anti-colonial posture of the intelligentsia. It was in the midst of all this social ferment that the first mass party, The United Gold Coast Convention (UGCC), was formed at Saltpond in August, 1947, under the chairmanship and financial sponsorship of George Grant, better known as Paa Grant, a wealthy Nzima businessman. With its slogan of “Self-Government within the shortest possible time”, the UGCC quickly attracted a large following, particularly among the educated persons, chiefs and farmers. The speed with which the party gained numbers made its proper organisation somewhat difficult for the leaders, who were mostly professionals, and therefore only part-time politicians. A member of the UGCC Executive, Ernest Ako Adjei, proposed the employment of an energetic young man he had met in England, Kwame Nkrumah, as General Secretary to do the work of political mobilisation full time. Paa Grant paid the £100 passage for the return of Nkrumah⁵ to the Gold Coast.

⁵ F.M. Bourret, *GHANA – The Road to Independence 1919-1957*, Oxford University Press, London, 1966, quoting *Gold Coast Observer*, 15th October, 1943.

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3.1.6.1.2 The young Nkrumah arrived at the end of 1947, and soon got down to work establishing structures through which the party could function effectively. In February, 1948, barely two months after he took office, Kwame Nkrumah and five leaders of the UGCC – Edward Akufo-Addo, Emmanuel Obetsebi Lamptey, William Ofori-Atta, Ernest Ako Adjei and Dr. Joseph Boakye Danquah - were arrested because they were blamed for the rioting and looting that occurred as a result of the killing of some ex-servicemen who were on a protest march. The ex-servicemen had gone on the march to protest against high prices of goods and general hardship in their living conditions, exacerbated by the failure of the British Government to honour promises made to them on their demobilization benefits. Whilst on the march, they decided to change course and march to the Osu Christiansborg Castle, the seat of government, instead of remaining on the route for which official approval had previously been obtained. At the Osu crossroads, they were fired on when they would not heed an order to halt. Three ex-servicemen, Sergeant Adjetej, Corporal Attipoe and Private Odartey Lamptey, were killed and many others injured. This incident sparked off riots and looting of European and Syrian/Lebanese-owned stores in many of the towns in the Gold Coast. By the end of the day, the death toll had reached twenty-nine (29) with two hundred and thirty seven (237) injured, and property damage to the tune of two million pounds sterling (£2,000,000) had occurred. Although it was not the UGCC that had organized the march, political responsibility for what had happened was laid at the door of the party.

3.1.6.1.3 The six leaders of the UGCC who were arrested, were later named “The Big Six”, and they became national heroes overnight. They were sent to prisons across the country.

3.1.6.1.4 After the release of the “Big Six”, Nkrumah set out to organize in earnest. He linked up with political youth groups and formed the Committee on Youth Organisation (CYO). He also established a Newspaper ‘*The Evening News*’ which he used to great advantage. Conflict over strategy soon developed between him and other leaders of the UGCC. They began to feel that Nkrumah was promoting himself and his personal agenda at the expense of the party that employed him, and he began to feel that they were not ready for his style of organization.

3.1.6.1.5 A break became inevitable, and on 12th June, 1949, Nkrumah broke away from the UGCC and formed the Convention Peoples’ Party (CPP) at Saltpond, taking with him most of the young people he had so successfully mobilised. The period thereafter heralded the nurturing of bad blood between the leaders of the two parties. Attacks in the *Evening News* on the leaders of the UGCC, especially on Dr. Danquah, as well as a whispering campaign of bribe-taking and allegations of other dubious activities made against the leadership of the UGCC, did a lot to embitter the relationships.

3.1.6.2 The Convention Peoples’ Party (CPP)

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3.1.6.2.1 The CPP under the leadership of Nkrumah grew from strength to strength. During the time when he ran the UGCC, he discovered some very energetic and good

organizers who left with him to form the new party. Komla Agbeli Gbedemah and Kojo Botsio were two of these young men who came to be recognized for their organizational abilities as they recruited many other young people to join the fold. Indeed the CPP was virtually a youth movement at its inception, and it had the energy and strategy to match.

3.1.6.2.2 It adopted a slogan of “Self-Government Now” (“S.G. Now”) and this resonated with the youth. In January, 1950, the CPP organized an action of civil disobedience termed ‘Positive Action’ in order to compel the colonial government to grant immediate self-government. Although planned as a non-violent action, it eventually turned violent and the leadership of the CPP was arrested and imprisoned.

3.1.6.2.3 Whilst in prison, Nkrumah’s party won a majority of seats in the 1951 elections held under the 1951 Constitution (Coussey Constitution). Being the leader of the party that had won majority seats in the elections, he was released from prison to head the government under the title of “Leader of Government Business”. The CPP successfully maintained its leadership in the politics of the country, winning majority votes in both the 1954 and 1956 elections. Ghana attained independence on 6th March, 1957, under its leadership, after a bitter struggle with some of its opponents.

Other Political Parties And Groupings**3.1.6.3.0 The Ghana Congress Party (GCP)**

3.1.6.3.1 The remnants of the UGCC suffered other crises as most of its youth had broken away to join the CPP. In 1951, it merged with another party, the National Democratic Party. formed under the leadership of Nii Amaah Ollennu, a barrister. The merged parties came to be known as the Ghana Congress Party with Saki Scheck as the General Secretary.

3.1.6.3.2 The Ghana Congress Party was bedevilled by a leadership struggle between Nii Amaah Ollennu and Dr. Danquah. Ollennu eventually left politics and joined the bench. The next stage of the leadership struggle took place between Dr. Kofi Abrefa Busia and Emmanuel Obetsebi-Lamptey. Eventually the party broke up into two when Obetsebi-Lamptey broke away and formed the Nationalist Party. This break greatly reduced the strength of the GCP. In the 1954 elections Dr Busia was the only one to win a seat on the ticket of the GCP. The Nationalist Party achieved little prominence as it never really attracted a following outside Accra.

3.1.6.4 Northern Peoples’ Party (NPP)

3.1.6.4.1 Chief Simon Diedong Dombo formed the Northern Peoples’ Party (NPP) in 1954. This party quickly attracted a large following from among the traditional rulers and it won twelve (12) seats in the 1954 elections. Considering that it had not been formed for

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very long before the elections took place, it was a remarkable feat. It also showed how attached the people of the North were to their traditional leaders.

3.1.6.5.0 The Anlo Youth Organisation

3.1.6.5.1 The Anlo Youth Organisation was formed by Modesto Apaloo. It operated in the south-eastern corner of the Gold Coast where the Anlo are located. It also won one (1) seat in the 1954 elections.

3.1.6.6.0 The Moslem Association Party (MAP)

3.1.6.6.1 The Moslem Association Party was an Islam-based party. Its leadership and followers were drawn largely from the immigrant group of Muslims from neighbouring West African countries. The ranks of its leadership were decimated by a policy of deportations soon after independence. What was left of it joined up with other political parties and groups to form the United Party.

3.1.6.7 *The Ga Shifimo Kpee* (Ga Standfast Association)

3.1.6.7.1 *The Ga Shifimo Kpee* was born in Accra in 1954. Its birth was a reaction to social and economic developments occasioned by the status of Accra as the capital of the Gold Coast. As a result of the effect of rapid urbanization and the need to provide social services in the national capital of Accra, large tracts of Ga land were acquired by the government for public purposes. The people rendered homeless by the 1939 earthquake in Accra had still not been properly resettled. In addition to these, there was an influx of people from other parts of the country into Accra, thus putting pressure on the rest of the land. This created a measure of landlessness among the Ga people. They also felt that in consequence of too many “foreigners” in Accra, they were being swamped as their cultural influence was being diminished in their own homeland; their very existence as a people was being threatened. With the slogans “*Ga mei shikpon, Ga mei anoni*” (Ga lands are for Ga people) and “*Gboi mli ngbe wo*” (Foreigners are killing us) they sought to draw attention to their plight.

3.1.6.7.2 Although the Association had a large following, there were two main groups within it, the “Zenith Seven” and the “Tokyo Joes”, made up mostly of young men who often engaged in acts of violence. These acts of violence brought them into direct conflict with the government of the CPP.

3.1.6.7.3 Eventually, the *Ga Shifimo Kpee* joined other political groups to form the United Party. Despite the merger, it was believed that members of the Association continued to carry out acts of violence. It was eventually dealt a death-blow by the mass detention of its members when the Preventive Detention Act (PDA) was passed in 1958.

VOLUME 2 CHAPTER 3**3.1.7 Conclusion**

3.1.7.1 Thus, at Independence, there was one strong party - the CPP - and several others of varying strengths, all of whom were in a relationship of antagonism against the ruling party. All these parties merged to form the United Party when, in 1957, the government passed the Avoidance of Discrimination Act. This Act prohibited the existence of any political grouping that was based on ethnic or religious affiliation.

3.1.8.0 The Security Services**3.1.8.1 The Army, The Police Force And Prisons Department**

3.1.8.1.1 One of the legacies of the British Colonial Government was the Security Services comprising the Army, the Police Force and the Prisons Department. The Police Force was the first to be formed as the Gold Coast Constabulary, followed the Prisons Department. The Army, as it is now known, was formed after World War II.

3.1.8.1.2 The Police Force was made up of British officers with the Gold Coasters and other Africans as Senior Non-Commissioned Officers. The mass of the junior ranks were recruited originally from Northern Nigeria and from parts of the Northern Territories. They were part of the colonial machinery, often used to suppress civil disorder, and were usually associated with the use of brute force in the maintenance of civil order. They were never seen as an institution for the protection of the public. At Independence, the Ghanaian Senior Officers were few, and they had all risen through the ranks.

3.1.8.1.3 The Prisons Department was also carved out of the Gold Coast Constabulary and its principal function was to keep prisoners in secure custody. It was made up mostly of illiterates and Middle School Leavers, and they were known as Warders.

3.1.8.1.4 The Military on its part was born out of the Gold Coast Regiment of the Royal West African Frontier Force that had been very effective in World War II. Its officer corps, however, remained European and it was modelled on the British army. At Independence, the highest-ranking Ghanaian officer was a Major, and he had risen through the ranks.

3.1.8.1.5 In consequence of the fact that the officer corps was almost exclusively British, they enjoyed the privileged lifestyle of British colonial officers. Thus developed a culture of privilege that was eventually enjoyed by the Ghanaian officers. The other ranks, on their part, were filled by local people with minimum education and few entitlements of privilege; their culture was undoubtedly "African". In consequence of this, there was great social distance between the officers and other ranks, and this was to become a source of strife decades later.

VOLUME 2 CHAPTER 3**POST-INDEPENDENCE****EVENTS WITH MAJOR HUMAN RIGHTS IMPLICATIONS****3.2.0 6TH MARCH, 1957 -- 23RD FEBRUARY, 1966
 CPP GOVERNMENT****3.2.1 Preventive Detention Act**

3.2.1.1 The Preventive Detention Act (PDA) was passed early in 1958. This Act, which originally had a five-year life span, was intended to be used to curb the activities of those whose acts were perceived as a danger to the security of the newly-born State. According to the Prime Minister when moving the motion for the First Reading of the Bill,

We have to accept the fact that at present there are in this country a number of people who, if they cannot succeed by lawful democratic means, are perfectly prepared to resort to violence and terrorism. It is true that their efforts in this respect have been up till now ineffective. The attempted revolt in Trans-Volta/Togoland at the time of independence was ill-organised and futile in its conception. Before independence certain politicians and others in Ashanti were threatening civil war if they did not get their demands ... the danger of violence and disturbances is that those organizing them generally look to foreign assistance and in the present condition of the world today there is always a danger that once any disturbances occur outside Powers will attempt to intervene. ...

This is the kind of situation with which we could be faced if our Government did not take proper steps to safeguard our security. It is impossible to ignore the possibilities of such things being attempted in Ghana, particularly when one bears in mind the present unsettled state of Africa. ...

We are determined to preserve Ghana as an independent democratic state. In the present condition of the world we cannot ignore the dangers which threaten; and after long discussion, the Government have finally

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come to the conclusion that such a measure as this is absolutely essential in the national interest.⁵

3.2.1.2 The then expatriate Attorney-General, Geoffrey Bing, in his post-1966 writings, also explained that the passage of the PDA was necessary because of inadequate means of dealing with political crimes within the legal system. He gave the justification as follows:

It was true that neither the police nor the courts in Ghana were capable of dealing with political crime. It appeared extremely difficult, if not impossible, to punish treasonable or seditious offences under the existing system because of the deficiencies in the machinery for collecting the necessary evidence and because of the need for establishing under the English laws of evidence, that certainty of guilt required under the British system. Nevertheless, it seemed to me an easy way out would be provided⁶.

3.2.1.3 Geoffrey Bing also maintains that it was agreed at the time that it would not be used against politicians. However, some of the first casualties were well-known opposition politicians such as Ashie Nikoi and Dzenkle Dzewu, who were arrested with over forty members of the *Ga Shifimo Kpee*.

3.2.1.4 There were several difficulties with the implementation of the PDA since it was based on arbitrary exercise of power, and without opportunity for judicial review. In the end many persons found themselves in prison who did not even know why they were there. There were well-known politicians as well as ordinary people. In September, 1961, the Railway Workers Union called its members out on strike. On 3rd October, 1961, fifty opposition politicians and railway union men, as well as the women, who cooked food for the striking railway workers, were detained. Some of these opposition politicians were Members of Parliament. Consequently, their detention decimated the ranks of the opposition such that Parliament became effectively a one-party affair. The repression of alternative voices was so severe that even university students who were reported to be against the government were detained. These included a Law student who had insisted that his colleagues observe a one-minute silence in memory of Dr. Danquah at a university dinner, when he died in detention in 1965.

3.2.1.5 The PDA caused fear and insecurity in the country and stifled all dissent. In prison, the detainees were maltreated horribly and many died or became invalids on account of the poor diet and the severe ill-treatment they suffered. They were subjected to beatings; to the glare of powerful lights round-the-clock; to unwholesome meals and food deliberately mixed with sand. They were denied baths, medical care, exercise and visits from relations, as well as being subjected to frequent searches in the cells. There is credible evidence that some of the ill-treatment meted out to the detainees was done at

⁵ Prime Minister's speech on the Preventive Detention Bill, National Assembly Debates, (First Series) Vol 11 July-September, 1958. pp.409-410 Debate of 14th July 1958.

⁶ Geoffrey Bing, *Reap The Whirlwind. An Account of Kwame Nkrumah's Ghana from 1950-1966*, MACGIBBON & KEE London, 1968.

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the instance of the government itself. The government thus assumed the unworthy role of tormentor of its political opponents.

3.2.1.6 When the PDA was challenged in the Supreme Court in the celebrated case of *Re Akoto*, the court ruled that the declarations under the 1960 Constitution on human rights did not impose a legally-enforceable obligation on the President, but only a moral one to respect the Declarations he was required to make upon assumption of office. The Supreme Court went further to state that the moral obligation to respect rights could be enforced by the people through the ballot box. With the door of the courts firmly shut in the faces of the detainees, a sense of desperation began to mount in the country.

3.2.2 Assassination Attempts On Dr Kwame Nkrumah

3.2.2.1 The violence that characterised the interaction between the political parties also manifested itself in attempts to assassinate the leader of the CPP. Beginning from the explosion in his house at Accra New Town in 1954, these bomb outrages increased in tempo as the years wore on. These bombs were planted in public places and at public functions and therefore there were many civilian casualties. Children, particularly members of the Ghana Young Pioneer (GYP) movement, were killed or maimed by these bombs. There was general insecurity created as occasion after occasion showed the desperation with which the opposing forces were determined to eliminate the Prime Minister and later, the President, Dr. Kwame Nkrumah.

3.2.2.2 Although the opposition was blamed for these bomb outrages, there was credible evidence to the effect that some of those attempts to eliminate the President came from within the highest ranks of the CPP. The arrest and prosecution of Ako Adjei, Tawia Adamafio, Horatius Cofie Crabbe, all senior officials of the CPP and also members of the government, pointed to the fact that the sources of these bomb outrages were varied.

3.2.2.3 The effect of these outrages was the increase in repressive measures and increase in the use of the PDA against perceived political opponents. A nationwide hunt for the bomb-throwers was launched. Children, especially members of the GYP, were encouraged to report anyone they knew who might be involved even if they were their own parents, to the authorities. On account of the indiscriminate use of the PDA at this time, the fear of being reported by one's own children to the authorities was felt to be a major invasion of the family's right to privacy. This contributed in no small way to the feeling of insecurity that pervaded the whole country. The negative sentiments that the GYP evoked in the hearts and minds of the populace was, among other things, on account of this perceived violation of the sanctity of the family and of family life.

3.2.3 Ghana As A One-Party State

3.2.3.1 The transformation of Ghana into a one-party state was born out of the feeling that the elimination of official opposition would make governance easier as there would be little opposition to government policies. It was also born out of the philosophy, then current,

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that the need to achieve economic and social rights for people in developing countries necessitated the deferment of enjoyment of civil and political rights. This philosophy, which had a respectable following, particularly in countries inclined towards socialism,

suggested that the enjoyment of civil and political rights would be meaningful only if people were well-fed and had shelter as well as other basic necessities of life. The perversion of the electoral process, as evidenced by malpractices at many public elections, effectively closed the avenue for ensuring that the government could be compelled to change its style of governance.

3.2.3.2 Ghana became a de facto one-party state by the end of 1961 when the opposition bench had been virtually emptied by carpet-crossing in Parliament and detentions under the PDA. By the time the one-party status became a legal fact, the reality had long been achieved. The farmers, workers and students who, within their unions could have mounted a viable opposition, had all been co-opted to become members of the CPP as the various unions became wings of the CPP. When President Nkrumah charged the students to ensure the “Cippification” of Ghana because “Ghana was the CPP and the CPP was Ghana”, it was clear that it was government policy to exclude all other political organizations or philosophies opposed to that of the CPP.

3.2.3.3 The Trades Union Congress, as an integral wing of the CPP, had its leaders also being functionaries of the Party. The GYP had also ensured that all classes of children and young people between the ages of four years and twenty-one years could be sufficiently indoctrinated with the philosophy of Nkrumahism. At the beginning of the 1964-65 academic year, it was proposed that university students be made to put in two weeks of study at the Kwame Nkrumah Ideological Institute at Winneba in order to familiarise them with the philosophy of Socialism and/or Nkrumahism. Some students did undergo such studies at that Institute.

3.2.3.4 Lecturers of the University College of Ghana, who were perceived to be opponents of the Government, were removed from their jobs by the simple mechanism of non-renewal of their contracts in 1961, when the University College became the autonomous University of Ghana with President Nkrumah as Chancellor. Those of foreign origin were then asked to leave the country since they had no work permits with which to work. In their place, many nationals of the Union of Soviet Socialist Republics (USSR), some of whom could barely communicate in English, were brought in to teach. Intelligence networks involving students and even lecturers were installed on the campuses to spy on both students and lecturers. The Chancellor of the University of Ghana, President Nkrumah, appointed some academics as Professors without respecting procedures for such appointments.

3.2.3.5 The religious bodies were coerced into submission. Deportation was the mechanism used against the leaders of religious organizations who were of foreign origin. The Muslims were deported to their various countries of origin and the Anglican Bishop Roseveare, who openly criticized the philosophy of the GYP at the 1962 Synod of the Anglican Church, was also deported after being called obscene names in the state-

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owned press. Heads of schools, who would not approve of the establishment of GYP in their schools, were dismissed or otherwise sanctioned. It had become clear by 1964 that

every avenue for expression of alternative views on the governance of the country had been closed.

3.2.3.6 The Judiciary came under attack when the Chief Justice and other judges were dismissed following the acquittal of the accused persons in the treason trial of 1963. The decision was subsequently declared null and void by Executive Instrument.⁸

3.2.3.7 The declaration of Dr. Nkrumah as the Life President of Ghana effectively put paid to any notions of competitive politics in the country. In 1965 all Parliamentary candidates were returned unopposed in the general elections, having been nominated by the Central Committee of the Party. This mode of giving prior approval to candidates before they could present themselves at elections undermined the notion of Parliamentarians being representatives freely chosen by their constituencies to represent them. Effectively, the Members of Parliament were lame ducks from the start, since they were not going to be able to offer any criticism of government or government policy, even if the interests of the constituents demanded it. All these events created their own brand of problems and difficulties that left indelible scars on the national psyche.

3.2.3.8 Within the military, the speed with which Africanisation of the officer corps proceeded, resulted in a number of high-ranking young officers being given appointments for which they did not have the requisite Command experience. The mutiny of the Battalion in the Congo during the UN peacekeeping mission revealed weaknesses in Command, that were later on exploited by civilian politicians.

3.3.0 24TH FEBRUARY, 1966 – 30TH SEPTEMBER, 1969
NATIONAL LIBERATION COUNCIL (NLC)

3.3.1.0 The NLC

3.3.1.1 The coup d'état of 24th February, 1966, was the result of partnership between the Police and the Military. The original plotters were: John W K Harley, Col. Emmanuel K Kotoka and Major Akwasi A Afrifa. They later recruited other persons in both institutions to launch the putsch that toppled the government of the CPP. The President, then on his way to Hanoi, Vietnam, had to go into exile in Guinea, Conakry. The National Liberation Council (NLC) then came into being.

3.3.2 Protective Custody

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3.3.2.1 After denouncing ex-President Nkrumah for the operation of the PDA *inter alia*, the government of the NLC promptly introduced its own brand of detentions without trial, which was named Protective Custody. Although ostensibly detained for their own safety, the need for such protection of ex-functionaries of the CPP was not established by

any empirical evidence before the law was enacted. What the evidence suggests is that it was a tit-for-tat move as all functionaries, minor and major, of the CPP government were detained at the various prisons in the country. It would also appear that the detention of these functionaries was dictated by a need to prevent them from mounting opposition to the take-over by the military-cum-police junta. This was a move that criminalised everyone associated with the government machinery of the CPP, as all such functionaries were required to hand themselves in to the police station nearest to them. These persons, without having been charged with any offence, were held in various prisons for periods ranging between one year and two years. Their detention as well as the subsequent proscription of the CPP and its emblems, began a tradition of tit-for-tat detentions and bans that characterized every military take-over between 1966 and 1981.

3.3.2.2 In addition to the detentions, the penalty for having been associated with the government of the CPP was also increased by the passage of The Elections and Public Officers Disqualification Decree, 1968 (NLCD 223) that debarred persons associated with the CPP from holding any appointment in the Public Service for a period of ten years with effect from 10th January, 1968. This provision not only deprived the persons concerned of their right to work in any field they chose, but also stigmatized them, and impoverished them and their dependants.

3.3.2.3 Members and other associates of the NLC Government who were in the military, were given rapid promotion to maintain the Command Structure and hierarchy of the military. Colonel Kotoka rose to become Lieutenant-General within one year, and Major Afrifa as well as some of other officers enjoyed three- to four-step promotions with lightning speed. This phenomenon created a desire among junior officers for equally rapid promotions, and it was no surprise that more than one coup plot were hatched, and one a major coup attempt made, against the NLC within one year of its existence. The attempt ended in the tragic death of Lieutenant-General Kotoka and his personal Orderly Sgt Osei Grunshie, as well as Captains A. Awevor and C Borkloe, the keepers of the keys to the military armoury at Burma Camp, on 17th April, 1967.

3.3.2.4 There was a coup plot in January, 1967. The culprits, three civilians (including a secondary school student) and one young Military Officer, were tried by Military Tribunal. This marked the first time that civilians were tried by Military Tribunal.

3.3.3. Chieftaincy

3.3.3.1 Chiefs who had been removed or penalized in some way by the CPP clamoured for redress. The NLC promulgated the Chieftaincy (Amendment) Decree, 1966 (NLCD 112) which sought to reverse what the CPP had done. Consequently ordinary chiefs raised to the status of paramount chiefs were made to return to the *status quo ante*; those

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destooled were restored to their stools and those enstooled were removed by the legislative mechanism of withdrawal of state recognition. This move spawned new chieftaincy disputes and re-ignited old ones.

3.3.4.0 Confiscation Of Assets

3.3.4.1 Many Commissions of Enquiry were established to probe the assets of CPP functionaries, as there was a widely-held belief that they were corrupt. Consequently, their properties were confiscated to the State.

3.3.5.0 Tortures

3.3.5.1 The use of torture against detainees in the prisons was a common feature. Detainees were subjected to beatings, to the glare of powerful lights round-the-clock or TO complete darkness. Women were raped or gang-raped.

**3.4. 1ST OCTOBER, 1969 – 12TH JANUARY, 1972
THE SECOND REPUBLIC**

3.4.1 The 1969 Constitution was drawn up based upon the experience under the first Republican Constitution. The constitutional safeguards for the protection of individual liberty were all in place. However, the government of the Progress Party (PP) under the leadership of Dr. Busia, took some decisions that threw its image as a law-abiding government into disrepute. In 1970, 568 civil and public servants were dismissed, (popularly known as “Apollo 568”). The government accused the affected persons of lacking foresight, being inefficient and being corrupt. No mechanism was established for ensuring that those dismissed would have been proved guilty of such charges. This was because the government maintained that under the Transitional Provisions of the 1969 Constitution, it had power to appoint persons to offices established by it. The matter was litigated in court by one of the affected persons – E K Sallah – and the government lost the case.⁹ The Prime Minister refused to reinstate him, insisting that since no court could compel an employer to keep an employee it chose not to work with, the government was within its legal rights to get rid of such an employee. This statement on the government’s position, now known as “No court, no court” pronouncement, detracted from its well-cultivated image as a government that stood for respect for the law and the courts. The government could not live down this image of a government that had contempt for the justice system in general, and the powers of the court in particular.

3.4.2 Soon after the government came to power, pressure began to mount for firm action to be taken against the influx of aliens into the country. The matter was discussed in Parliament and the Government announced that it was going to enforce the provisions of

⁹ See Sallah v Attorney-General

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the Aliens Act, 1963 (Act 160) and its accompanying Regulations in L I 265 as amended by L I 553. On 19th November, 1969, the Government issued the following statement:

All aliens both African and non-African without residence permits should leave the country within 14 days – not later than December 2, 1969.¹⁰

3.4.3 This ‘Aliens Compliance Order’, as this order came to be known, gave all aliens a period of fourteen days within which to regularize their stay in Ghana or leave. While the government was within its rights to check illegal immigration, the nature and history of cross-border migration within the West African sub-region, as well as Ghana’s own policy on African unity meant that the potential number of affected persons was large. It was estimated that there were about 250,000 Togolese nationals, about 5,000 Biafran (Eastern Nigerian) refugees under the protection of United Nations Development Programme (UNDP), hundreds of thousands of Nigerians, Malians, and nationals of Upper Volta (Burkina Faso), Niger and Dahomey (Benin). Ambassadors of these neighbouring countries pleaded for more time to enable them process the necessary documentation, but these entreaties did not change the government’s stand.

3.4.4 In the event, there was a lot of human suffering as families which had resided in Ghana for more than three generations, and persons who had lost touch with their original homelands, were given only fourteen days to regularize their stay or leave the country. Many who had established thriving businesses had to wind them up or sell them off cheaply. Those who owned buildings and land sold them off at very low prices. Many were trapped under inhuman living conditions as they waited for inadequate or non-existent transportation to carry them home. There were many reports of Ghanaians attacking and molesting aliens, to the extent that the Government had to issue a warning to the public to desist from such acts. It even became necessary for police protection to be given to some aliens in Kumasi. The urgent need to procure residence permits and other identity papers created an opportunity for unscrupulous civil servants to exploit the desperation of the affected aliens by indulging in corrupt practices. Many were the heart-rending tales of suffering that were told and the sad spectacles that were seen during the implementation of this Order. After 2nd December, 1969, aliens who had not complied with the Order were arrested and kept at Police Stations under inhuman conditions. Since their numbers were so large, they sat out in the open, around Police Stations, waiting for the Police to take action. All these spectacles contributed to giving the government an image of one that had neither compassion nor human feeling, and created disaffection for it in the sub-region.

3.4.5 Another incident that affected the image of the PP government was the dissolution of the Trades Union Congress in 1971. The attack on the TUC occurred when the

¹⁰ Daily Graphic, Vol 5952 Wednesday, 19th November, 1969 p 1

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government became aware of plans by the TUC to destabilize it by organizing coordinated strikes nationwide. The government moved against the TUC and under a Certificate of Urgency, passed the Industrial Relations (Amendment) Act, 1971 (Act

383). Act 383 gave every worker, or worker-group power to form a union, or to belong to a union of their own choice, or not to belong to a union at all. The Head Office building of the TUC was seized and was to be auctioned, and an Official Receiver was appointed to wind up the affairs of the TUC. Individual unions were encouraged to get together to form rival labour federations. These measures were construed as anti-labour and the government as being against the interest of working people.

3.4.6 A further dent in the government's image was the proposal to abolish the existing system of allowances for university students and substitute a Loans Scheme instead. In general, the PP government was not very popular among the leadership of the student body. Two incidents involving physical attacks on the Prime Minister by students and the walking out of students during an address by the Prime Minister demonstrated the hostility to which the government was subjected.

3.4.7 The government's proposal to create a dialogue with apartheid South Africa also undermined its popularity with the citizenry, since Ghana prided itself on its pan-African and anti-colonization credentials. The government thus acquired the image of one that approved of the injustices and oppression of Africans then going on in South Africa, and a betrayer of Ghana's well-cultivated international image. The final nail in the coffin of the Government was the devaluation of the Cedi at the end of 1971. This measure immediately caused price rises at a time when the end-of-year festivities had imposed great strain on personal finances.

3.5.0 **13TH JANUARY, 1972- 4TH JULY, 1978 – 3RD JUNE 1979**
NATIONAL REDEMPTION COUNCIL (NRC)
SUPREME MILITARY COUNCIL (SMC) I & II

3.5.1.0 The NRC

3.5.1.1 The PP government was overthrown by a group of Army officers led by Colonel Ignatius Kutu Acheampong, on 13th January, 1972. The NRC government then came into being.

3.5.2 Protective Custody

3.5.2.1 The law on Protective Custody soon saw functionaries and activists of the PP in detention. As was the pattern in 1966, all functionaries, however lowly, were put in prison merely for having been officials of the ousted ruling political party.

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3.5.2.2 The government of the period used Protective Custody to detain its opponents of every shade and colour. Hundreds of citizens suffered only because they disapproved of one policy or the other.

3.5.3 Militarisation Of Civilian Life

3.5.3.1 The subjection of civilians to military drills was also popularized as a disciplinary measure. The range of persons subjected to such treatment varied from office workers reporting late to the office; through striking factory workers to girls accused of indecent dressing or immoral lifestyles. The practice of arresting civilians and placing them in guardrooms became common, and the powers of arrest of the police were extended to military personnel of the ranks of Sergeant and above under the Armed Forces (Special Powers) Decree, 1973 (NRCD 236). This legislation also provided for detention for an indeterminate period in military barracks by Regional Commissioners for offences involving financial loss to the State. This militarization of civilian life blurred the distinction between those subject to military discipline by reason of their military status and those who by reason of their civilian status ought not to have been subject to such discipline.

3.5.3.2 The practice of trying civilians by Military Tribunals continued under the Subversion Decree, 1972 (NRCD 90) as amended. Persons not subject to Military Law were tried under Military Law and then sentenced to death by firing squad. Fortunately none of these sentences was carried out.

3.5.4 Repressive Measures

3.5.4.1 Students hailed the military takeover, as the Students Loan Scheme was withdrawn. The adoption of the “Operation Feed Yourself” programme further increased the popularity of the government with the students. The students demonstrated their support by forgoing their long vacation in order to work on national projects and to improve agriculture in the country. However, they were soon embroiled in dispute with the government over its human rights record and its economic policies. The antagonism grew, leading to strikes and protest marches that resulted in constant disruption of the universities’ academic schedules. These protest actions led to the arrest and detention of many student leaders for short periods of time. The repressive and extremely brutal measures adopted to quell student demonstrations, including the invasion of the campuses by police, left a number of casualties among students of the universities.

3.5.4.2 There was no independent press but the government found itself so much the subject of rumours that it passed the Prohibition of Rumours Decree, 1973 (NRCD 182). Although the Government repealed that Decree a year later, it had already acquired the image of an intolerant and repressive government. The SMC passed another Prohibition of Rumours Decree, 1977 (SMCD 92), in the heat of the anti-Unigov campaign.

3.5.5 Price Controls

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3.5.5.1 Price controls had been introduced by the Control of Prices Act, 1962 (Act 113). The National Redemption Council expanded the scope of these price controls in order to control the distribution of scarce consumer goods then popularly known as “essential commodities”.

3.5.5.2 The Price Control Decree, 1974 (NRCD 305) and Price Control (Amendment) Decree, 1978 (SMCD 146) specified prices for particular consumer goods and also made it an offence for anyone to hoard goods, ie keeping goods in large quantities in order to sell them at high prices later through the unofficial distribution channels. The selling of goods at such high prices as would make unconscionable profit for the seller was also made punishable as the offence of ‘profiteering’. In time, these offences became known as *kalabule*. The enactment of the Commercial Houses and Supermarkets (Sale of Specified Goods) Decree, 1976, (SMCD 17) as amended by Commercial Houses and Supermarkets Decree, 1976 (SMCD 21), designated particular premises for the distribution of essential commodities. The law made it punishable for anyone to demonstrate against the arrangements for the distribution of goods.

3.5.5.3 The need for price controls mirrored an economic reality: goods for which there was great public demand were in short supply. This fact, in turn created its own culture. The government and the commercial houses devised a chit system by which goods could be sold to persons needing them. The chit system spawned several malpractices, as those who had access to persons in authority also had access to chits. Those who controlled the chits also had their own system of issuing chits to acquaintances and business associates so that they could also benefit from the situation. Consequently such persons would often deny members of the general public their allotted share, although the goods were always available from alternate sources at more than several times the approved prices.

3.5.5.4 The period was a time of great suffering for the ordinary people, and a time of great wealth for those who had access to chits. This was also a time of moral degeneration, as persons who controlled the chits engaged in obvious consumption and moral decadence. Young girls became prosperous overnight once they began amorous liaison with a man who had access to chits.

3.5.5.5 Army Officers, who ordinarily were not permitted by Military Ethics to engage in commercial activities, flouted these rules with impunity. Corruption was rife and there was general social malaise.

3.5.6 Re-organisation Of Military Government

3.5.6.1 In 1975, the NRC was transformed into the Supreme Military Council (SMC) as a result of problems with the Command Structure. Majors Kwami Agbo, Anthony Selormey and Kwame Baah who were part of the original plot to overthrow the PP government, and who constituted the core members of the NRC, were removed and replaced by the Service Commanders and the Chief of Defence Staff. (CDS). This was partly aimed at restoring the distorted Command Hierarchy of the Armed Forces.

VOLUME 2 CHAPTER 3**3.5.7 Opposition To SMC**

3.5.7.1 As economic conditions deteriorated, opposition to the government became more strident, and the government responded with more repressive measures. It was against

this background that the intellectuals of this country, through their various professional associations, and together under the auspices of the Association of Recognised Professional Bodies (ARPB), demanded that the government should hand over power to civilians and step down from office.

3.5.7.2 General Acheampong, the Chairman of the SMC, put forward a proposal for a new form of government, Union Government (Unigov), in 1977. This new form of government was to be made up of the Military, the Police and civilians. It was clear from the fuzzy nature of the propounded concept that it was not the product of clear thinking, but of political opportunism. It was also clear that Unigov could have only one head, General Acheampong, who desired to perpetuate himself in power.

3.5.7.3 The protest that greeted this new idea caused the government to insist that the idea be voted upon in a referendum. The campaign that heralded the referendum was violent and confrontational. Political thuggery was resorted to, and various tactics were employed to deny those campaigning against it the opportunity to do so. Police permits granted for anti-Unigov rallies were withdrawn at the last minute, and rallies were broken up by force. Even a seminar organised by the ARPB was broken up by thugs, and the organizers attacked. At this time university students were beaten up on the campuses and sent home. Finally, the referendum took place on 30th March, 1978, and amid glaring electoral malpractices, the government announced that those who favoured the Unigov concept had won.

3.5.7.4 Four months after the referendum, General Acheampong was removed from office by his own colleagues in a “palace coup”. His successor, General Frederick William Kwasi Akuffo, retained the name SMC and so his government came to be known as SMC II. General Akuffo also tried to push a variant of Unigov, ‘National government’, but did not receive a sympathetic response. The Constituent Assembly of 1978 was therefore tasked to write a new Constitution leading to the inauguration of yet another civilian government, under the Third Republic.

3.5.8 Currency Exchange

3.5.8.1 In March, 1979, the government suddenly closed the borders and demonetised Ghana’s currency. The entire country was given three weeks within which to turn in all their currency holdings for issuance of fresh currency. This policy caused a great stampede and suffering. Those who could not lay hands on any of the new notes could not buy food as market women refused to accept the old notes. At the end of the period of ultimatum, many people, particularly rural dwellers, had become impoverished overnight as all their private wealth caches had become useless paper. Simultaneous with the

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decision to demonetize the currency and thus mop up the excess liquidity, was a decision that money already in the banks would not lose its value. Consequently those who were privileged to receive prior information about the demonetisation policy, quickly began to flood the banks with their private holdings. These activities threatened to derail the objective of the demonetisation and therefore the government passed a Decree, the Cedi

New Notes) Decree, 1979 (SMCD 226) which provided for the halving of the value of any money paid into the bank within a particular period. The result of this Decree was that persons who in the ordinary course of business paid money into their bank accounts, lost half the value.

3.5.9 Use of Torture

3.5.9.1 Torture was used on persons detained in the guardrooms. The methods of torture were both physical and psychological and consisted of beatings, blinding slaps and cleaning of public lavatories with bare hands.

3.5.10 The Attempted Coup d'état of 15th May, 1979

3.5.10.1 It was against this background of social malaise, economic ineptitude, moral decadence and food shortages that Flight-Lieutenant Jerry John Rawlings made an attempt to overthrow the government on 15th May, 1979, and failed. By this time the ban on political parties had been lifted and the parties were vigorously campaigning. Elections had been slated for 18th June, and a handing-over of power on 1st July, 1979.

3.5.10.2 The public trial of the coup plotters, coupled with the public sympathy that the stated aims of the coup plotters evoked, provided the tinder that led to the social explosion that occurred when some young Officers and Other Ranks under the leadership of Major Boakye Djan mutinied on 4th June, 1979. They sprang Flt. Lt. Rawlings and his band of coup plotters from the cells of the Special Branch and proceeded to overthrow the government of SMC II. The Government fell, as the resistance collapsed when the CDS, Lt-Gen Joshua Hamidu, urged the loyal troops to lay down their arms to avoid further bloodshed. By this time, the Army Commander, Major-General N A Odartey-Wellington, and Col. Joseph. Enninful, President of the Military Tribunal trying the coup plotters of 15th May, had been killed. Mrs Josephine Enninful, wife of Col. Eninnful was killed together with her husband in their home.

3.6.0 **4TH JUNE, 1979 – 23RD SEPTEMBER, 1979**
ARMED FORCES REVOLUTIONARY COUNCIL (AFRC)

2.6.1. The 4th June Uprising

3.6.1.1 The mutiny on 4th June developed into an uprising, and the leaders formed the government of the Armed Forces Revolutionary Council (AFRC) with Flt. Lt. Rawlings as the Chairman and Major Boakye Djan as its spokesman. The mutiny spread to the

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junior police officers and then to the junior Prisons Officers. It was clear that the Security Services were on the boil, as the Junior Ranks asserted themselves against the Senior Officers and sought revenge for real and imaginary ills.

3.6.1.2 This period was remarkable for the frenzy and violence that it unleashed within the Junior Ranks of the Armed Forces against the senior officers. Senior Officers were arrested, put in guardrooms, shaved, drilled and beaten by their subordinates. Within the Police and Prisons Services, the Senior Officers were chased out of office, leading to the setting up of two Committees of Enquiry. The Committees on the Police Service and the Prisons Service were chaired by Capt Karl Huppenbauer and Dr. Kwame Frimpong respectively.

3.6.1.3 A programme to rid the country of corruption, dubbed “house-cleaning”, began in earnest. All Senior Officers who had served in civilian positions and in the previous government as well as persons deemed to be their accomplices or civilian associates were detained, put before specially created “People’s Courts” and given long prison sentences. Indeed, one Senior Officer, Col Amevor, was sentenced to a term of one hundred and five years in prison, and another, Sqn Ldr George Tagoe, to a term of ninety-five years. Most of the other senior officers received terms of imprisonment within the fifty-year mark. Seven Generals, including three former Heads of State, and a Colonel were executed in two batches on 16th June, and 26th June. Following international outcry and intervention by leaders of religious bodies, the executions ceased. It was only after the executions were halted that the People’s Court was established.

3.6.1.4 Throughout the country, soldiers went on a rampage as they tried to force prices down and retrieve items that had been considered hoarded. Civilians were also glad to have access to goods they had long been denied of, and cheerfully supported the seizure of the hoarded goods as well as the outrages that were perpetrated on the owners of those goods. Many traders were maimed or killed by soldiers. The lucky ones escaped with their lives but the seizure of their goods completely crippled their businesses. Many prosperous traders were thus impoverished overnight.

3.6.1.5 The AFRC initiated a policy of demolition of places where goods had been found hoarded. Consequently many stores, and even dwelling houses were demolished, ostensibly to discourage hoarding. Makola Market was thus an obvious target for demolition and it became one of the events that scarred the psyche of residents of Accra. The looting and subsequent demolition of Makola (No.1) Market – one of the largest markets in Africa - shocked many people. It had been built by the colonial government and had long represented the wealthy trader. It was also well-known for trade malpractices, a factor which made it a target during those heady days when goods were being retrieved from their hiding places for sale to the public.

3.6.1.6 This demolition rendered families who had sold in that market for generations poor overnight. The traders were not permitted to salvage any of their property. Many

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women died or committed suicide when they lost all their capital and found themselves deep in debt. The properties of many people were confiscated and there was a general feeling of insecurity all over the country.

3.6.1.7.0 Tortures

3.6.1.7.1 The use of torture was practised on a massive scale, and in several instances, to extract information. The methods of torture were both physical and psychological. There were beatings; blinding and ear-splitting slaps; kicking with military boots; beating with implements; insertion of gun powder into female genitalia, caning in public; being stripped naked and caned in public; pounding of toes until toe nails fell off; and hammering the head with sharp or heavy objects. Other methods included being made to lie face upwards and stare at the sun for long periods of time; being made to crawl on gravel until serious injury occurred; being made to drink one's own or others' urine; use of ears as ash-tray; tattooing of body with cigarette ends; being forced to consume various substances such as cement mixed with water and uncooked food items. Victims were made to simulate the sexual act and some male victims suffered injury to their genital organs. There was also forced labour such as being forced to sweep the precincts of guardrooms, cut grass or clean lavatories; off-loading trucks and carting of seized goods. The torture of females frequently involved rapes and gang-rapes.

3.6.1.8 The regime lasted for about four months (112 days), and the country returned to civilian rule as the AFRC had permitted the elections then pending, to be held. The Chairman of the AFRC declared to the incoming government that it was on probation, and urged on the government the need to continue the "house-cleaning".

**3.7 24TH SEPTEMBER, 1979 – 30TH DECEMBER, 1981
THIRD REPUBLIC****3.7.1 The Limann Administration**

3.7.1.1 The government formed under the leadership of Dr. Hilla Limann by the People's National Party (PNP) started its life with some major disadvantages: the effort to put all available goods into the distribution system under the anti-hoarding campaign of the AFRC, had emptied all trading outlets of all stocks. To make matters worse, Ghana had been placed under a trade embargo by its major trading partners on account of the atrocities committed by the government of the AFRC. Consequently one of the most urgent tasks was to import enough consumer items to re-start the engine of commerce.

3.7.1.2 The Limann Administration also faced major challenges of instability as those who had tasted power for the brief period of time were unwilling to return to barracks and remain quiescent. The "Office of the Chairman of the AFRC" at Arakan Barracks

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continued to operate for a period during the Limann administration, despite the handing-over, and thus functioned as a parallel government. The general populace had also tasted a period of lawlessness when the system of government, untrammelled by adherence to legalities or red-tapism, seemed to function more speedily than the constitutional system that had come into existence. They had been able to obtain goods that they could

previously not find on the market on account of the chit system and the resulting trade malpractices, and many believed that military government was the answer to the problems of poor governance.

3.7.1.3 The government retired the former Chairman of the AFRC, Flt Lt J.J. Rawlings who had then re-joined the Army, the CDS, Brig. Joseph Nunoo-Mensah, the Army Commander, Brig Arnold Quainoo, as well as the IGP, C.O. Lamptey and Kofi B. Quantson, Director of Special Branch; as well as a number of military personnel who had participated actively in the AFRC. The Director of Military Intelligence, Col Prince Twumasi-Ankrah left Ghana to become a Defence Attache in India and Army Commander, Brig Israel K. Amuah, went abroad on course, and did not return. All these incidents affected the stability of the government and the security of the State.

3.7.1.4 Allegations of corruption surrounding the sourcing of a loan facility from Chiavelli, an Italian businessman to re-settle the AFRC members, began to appear in the media, causing the public considerable anxiety. The acquisition of 504 Peugeot vehicles by the government for officials, and for sale to Parliamentarians, came up for sharp criticism as evidence of the government's extravagance and lack of feeling for the poor.

3.7.1.5 Persons who had allegedly been tried by the "People's Courts" began to make their way to the courts to challenge the decisions, by way of habeas corpus applications. Judges came under attack as they struggled to do justice to those persons, many of whom had not received any trial worth that name at all, despite section 15(2) of the Transitional Provisions of the 1979 Constitution, that ousted the jurisdiction of the courts in matters affecting the executive, legislative or judicial acts of the AFRC. The Government, worried by the national security implications of the actions of the courts, jumped into the fray and even announced that persons granted bail by the courts were to return to prison.

3.7.1.6 The government was accused of harassing Flt Lt Rawlings (Rtd) and Capt Kojo Tsikata (Rtd). The latter had by then been put under overt surveillance, to the discomfort of members of the general public.

3.7.1.7 In 1981, a member of the PNP, Addae Amoako, sued his party over the disbursement of the Chiavelli loan. The fact of a member of the ruling party suing his own party for an account, caused ripples in the public domain. Whilst some hailed it as a positive mark in the democratic development of the country, others saw it as a weakness in the system; evidence of how corrupt civilian politicians were; and how quickly the new civilian rulers had returned to the "bad old ways".

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kept in check because they were the oppressors. This resulted in persons who felt disenfranchised taking up the cause and enjoying a new sense of power over their former bosses and the well-to-do, as well as the chiefs in their communities.

3.8.1.5 In many offices, managers were chased out as the new breed of leaders, untutored in the ways of the managing class, took over the running of the organizations. Many of such organizations forcibly taken over and run by the WDCs, did not increase

productivity, but ended up bankrupt. Some of these enterprises were eventually returned to their owners, emptied of resources and run into the ground.

3.8.1.6 In the communities, conflicts abounded between the new “ruling elite” and the traditional rulers. On account of the guidelines for the organization of PDCs, very few persons of social standing joined up, with the result that there was a distinct cleavage between the old and new leaders. The PDCs also performed vigilante roles in the community and so became an extension of the security services. They arrested economic saboteurs; flushed out “dissidents”; checked smuggling activities at the borders; and enforced price controls. They also ran the People’s shops in the communities. The nomenclature “PDC chairman” evoked images of an all-powerful government-backed operative, whose word was law in the community. Eventually the WDCs/PDCs were deprived of some of their political clout, re-named Committees for the Defence of the Revolution (CDRs) and called “organs of the revolution”.

3.8.1.7 “Power to the People” became the prevailing political philosophy, and it became fashionable to adopt new nomenclature to describe the ownership of the ordinary person, of state institutions. Thus, there was “People’s Army” “People’s Police”, “People’s Militias”, “People’s Daily Graphic”, “People’s Courts” and “People’s Shops”. In criminal proceedings before the Public Tribunals, “The People” replaced “The Republic” as the name of the State-party.

3.8.2 Students Task Force

3.8.2.1 One of the earliest acts of the new government was to insist that university students should do more for the community. Students, led by their leaders, were mobilized to do cocoa evacuation from the rural areas to the ports; help fill potholes; help fill classrooms emptied of teachers who had left Ghana in search of better economic opportunities; and generally move from the “Ivory Tower” to undertake more socially-useful activities. The universities were therefore instructed not to re-open for the second term until the government gave permission.

3.8.2.2 Students of the universities were organized into Task Forces to evacuate cocoa and perform those functions assigned to them. A few weeks after doing these “socially-useful” jobs, students began to agitate to return to school. Therefore, students from other educational institutions, as well as those who had just completed their education, were

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drafted into the Task Forces. They were consequently re-named “Students and Youth Task Force” (SYTF).

3.8.2.3 The SYTF also ended up enforcing price controls, checking smuggling and performing vigilante services. This SYTF was eventually turned into the National¹³ Mobilization Programme, when it merged with the “mobi-squads”. (The “mobi-squads” were work-gangs mobilised to undertake agricultural ventures with government-sponsorship.) The work-gangs were formed out of the groups of young people who were

deported from Nigeria as a result of the Aliens Compliance Order of Nigeria in 1983, and who were either unskilled or unemployed).

3.8.3 The Militias

3.8.3.1 The organisation of people’s militias had been one of the concepts pushed by the Revolutionaries in order to serve as a counterpoint to the dominance of the military over weapons of violence. They were thus a manifestation of the PNDC leadership's concept of the “democratisation of violence”, a notion that when everyone was able to wield arms then the military's monopoly over the use of violence would be broken, and their capacity to bully civilians undermined. These militias were recruited from the ranks of ordinary people who wished to volunteer for such activities.

3.8.3.2 Persons from various parts of the country underwent training in shooting at Military Installations¹¹ and then were assigned various tasks. Those at the borders helped to check smuggling, whilst those at the harbour checked port security and non-payment of appropriate customs dues. Military personnel in active service were assigned to take charge of the militias. For instance, Staff Sgt Tornyeviadzi and WO 1 Kwabena N. Nkwantabisa were in charge of the Volta Region People's Militia and the Tema Harbour Militia respectively. In 1984, pond and sea fishermen were given military training to counter any invasion by sea, and to combat smuggling by sea. The training, carried out by soldiers of Field Engineers led by Major A.A. Donkor and WO 1 Andreas Tetteh, was code-named “Operation Shoot To Kill”.¹²

3.8.3.3 On account of the nature of their tasks and the fact that it was a volunteer organization, it attracted mainly persons who were not otherwise gainfully employed. They wielded great power and were fully armed, although they were not paid a salary. The result of such combination of factors was a group of persons trained in the handling of weapons, provided with weapons and with responsibility but receiving no official income.

3.8.3.4 Many of the abuses and fatal shooting incidents perpetrated by the militiamen stemmed from these operational factors. Indeed, in October, 1988, militias attacked a village, Agortime-Afegame, in the Volta Region, ostensibly to check smuggling, and

¹¹ *Ghanaian Times*, Vol 8089 Tuesday 3rd January 1984, back page.

¹² *Ghanaian Times*, Vol... Friday, 20th January, 1984 p 1

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caused over two hundred of the villagers to take refuge in Togo. These refugees had to be hosted by the Togolese Government in a refugee camp in Togo.

3.8.3.5 The militias were later reorganised and put under proper command under Col Alex Antwi and later Brig Tehn-Addy and re-named The Civil Defence Organisation (CDO).

3.8.4.0 Commandos

3.8.4.1 The threats faced by the new regime as a result of the number of young soldiers who were involved in bringing about the coup d'état caused the regime to establish a new military-style elite unit trained to neutralize any threat from the regular Armed Forces. The young men who were enlisted into this force had training in all manner of counter-insurgency tactics. They received indoctrination and training in Libya and Cuba and functioned as a private army with absolute loyalty to the revolutionary government. Their name evoked a lot of fear in the public mind since they were associated with brutalities and other acts of violence.

3.8.5 Vetting and Investigations

3.8.5.1 The first legislative acts of the PNDC were the promulgation of two laws: the Citizens Vetting Committee Law, 1982 (PNDCL 1) and the National Investigations Committee Law, 1982 (PNDCL 2). The former Law set up a body to investigate persons whose "lifestyle and expenditures substantially exceed[ed] their known and declared incomes", and who possessed certain levels of credit balances at the banks. The latter body was to conduct investigations into acts of malfeasance involving the misuse or abuse of state funds, tax evasion and corrupt practices leading to the loss of public funds. These bodies enjoyed wide powers as they were not subject to any supervision by the courts whose jurisdiction had been ousted, or by any other body. Their stated functions indicated that their targets would be the well-to-do in society, and they made every effort to ensure that anyone who appeared to be affluent would be called upon to account for the wealth, and also to prove that the appropriate taxes had been paid on the declared incomes. There were many complaints about the procedures and decisions of these investigative bodies as they imposed on persons who appeared before them, huge fines and tax penalties that were to be paid within forty-eight hours or have their properties confiscated. These bodies were therefore the main agencies responsible for many of the confiscations of property that occurred, and they helped in no small measure to make "citizens" feel harassed and hunted in their own country.

3.8.6.0 Public Tribunals

3.8.6.1 The social reorganization embarked upon by the revolutionary government dictated an examination of the judicial system that had come under severe attack for

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unduly favouring the rich and influential in the society. “One law for the rich and one law for the poor” was a common slogan in those days. The judicial system was also criticised for being too slow in dealing with those who committed infractions of the law. “Justice delayed is justice denied” also became a common quotation.

3.8.6.2 A new system of courts named Public Tribunals was established under the Public Tribunals Law, 1982 (PNDCL 24). This tribunal system had a hierarchy beginning from the Community to District, the Regional and then National. It was designed to break the monopoly of trained legal professionals over the legal system. In its original form, there was no system of appeals from their decisions. They were separate and distinct from the regular courts and had their statutory procedures that were less rigid than those of the regular courts.

3.8.6.3 The Public Tribunals had criminal jurisdiction only and were staffed by a panel of lay persons with the chairman being a lawyer. Panel members were often given rudimentary training in law and judicial reasoning, and put on panels that had power to hand down long prison sentences, and even death sentences. The Public Tribunals were not sufficiently independent of the PNDC. In some cases the penalty for the offence in particular cases had to be prescribed by the PNDC, and in others, the sentences handed down had to be confirmed before being carried out. On account of such prescription and confirmation of sentences, the system gained the image of an instrument of oppression of political enemies.

3.8.6.4 The Ghana Bar Association formally boycotted the Public Tribunals because of what it viewed as deviations from acknowledged and accepted standards of justice. Persons charged before the Tribunals therefore had no legal representation, or could only secure one of those who defied the Association’s ban to practise before the Public Tribunals. There were very few acquittals.

3.8.6.5 Although in response to this boycott and interventions by international lawyers’ organizations, a Board of Appeals was established under a new law, the Public Tribunals Law, 1984 (PNDCL 78), the Ghana Bar Association never revoked the ban on its members because there were still not enough legal safeguards and protections for persons accused of crime.

3.8.7 Chieftaincy

3.8.7.1 The old problem of chiefs and their status re-surfaced. The PNDC in its turn sought to correct whatever injustice had been inflicted on chiefs by NLCD 112. Chiefs who had lost their status were restored to their former status. The promulgation of the Chieftaincy (Restoration of Status of Chiefs) Law, 1983 (PNDCL 75) effected the change and also withdrew recognition from those on whom recognition had been conferred, or who had been enstooled/enskinning by virtue of NLCD 112. Another move was made, ostensibly to clean up the institution of chieftaincy, that led to the destoolment of many chiefs. On the eve of its departure, the PNDC promulgated the Chieftaincy (Amendment) Law, 1993 (PNDCL 307), which prohibited the conferment of recognition on any person

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enstooled or enskinned who had a previous conviction for an offence involving “fraud, dishonesty or moral turpitude”. This Law was to take retrospective effect from 1st June, 1986, and thus legitimized the de-recognition of many chiefs that had been affected since that period.

3.8.8 Dismissals From Public Service

2.8.8.1 As a result of the philosophy of re-engineering Ghanaian society, persons deemed unfit for public office were summarily dismissed from the public services. There were dismissals on an unprecedented scale. In some organisations, such as Post and Telecommunications more than two hundred people were dismissed in one day. Many police officers were dismissed and a law enacted to prevent them from challenging their dismissals in court. Few of these dismissals were effected in accordance with due process and this created a chilling effect on creativity and initiative at the work place.

3.8.9 The Killing Of The Judges

3.8.9.1 No event has outraged and scarred the national psyche of Ghana as much as the abduction and killing of three High Court Judges and a retired Army Officer on the night of 30th June, 1982. Subsequently, a member of the PNDC, Joachim Amartey Kwei and four young men, two serving soldiers and two ex-soldiers, were tried and convicted of the murders. The persistence of rumours linking the government of the PNDC itself to the event, as well as of the existence of a list of persons targeted for assassination by the revolutionary government caused a lot of judges, lawyers, lecturers and other persons of social and intellectual standing in Ghana to go into exile. Those left behind lived in fear of reprisals. In particular, judges and lawyers were assaulted when the Supreme Court Buildings in Accra were attacked by thugs; and when lawyers’ chambers were ransacked and their documents destroyed. This was also the period when Lodges, believed to be favoured by members of the Legal profession, were banned and their premises and properties vandalized. The reasons given for such attacks were that Lodges were secret societies that promoted corruption. There was a great feeling of insecurity among professionals as those determined to remain in Ghana and carry on their professions struggled to do so.

3.8.10 Anti-profiteering Crusade

3.8.10.1 The anti-profiteering crusade that characterised the AFRC period continued in the early days of the PNDC. Traders responded by refusing to sell their wares to persons of whom they were suspicious. This led to the meting out of brutalities to persons who claimed they had no authority to sell goods found in their custody. Many traders who had lost part of their capital as a result of the activities during the AFRC period became completely crippled financially when their businesses were attacked again. Under the guise of this crusade, traders were robbed of their goods at gunpoint, whilst the physical manhandling accompanying the attack discouraged them from pursuing the soldiers to the military camp. In any event those who pursued their goods never got them back. The anti-profiteering crusade also led to a targeting of businessmen of Middle Eastern origin,

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mainly Lebanese and Syrians, some of whom had lived and worked in the country since colonial days. Some were even third generation Ghanaian-born Lebanese and Syrians, and many were naturalized Ghanaians. They were harassed and chased away; their

vehicles, businesses and personal properties were seized, vandalized or confiscated. This category of Ghanaian endured a lot of suffering under the government of the PNDC.

3.8.11 Seizures And confiscation Of Properties

3.8.11.1 There were seizures and confiscations of the properties of the CPP and PP leaders. However, this did not affect the generality of persons. Many persons had their goods seized and their properties confiscated, often without just cause. Vehicles imported into the country were seized at the ports and the owners never received them. Persons whose vehicles were seized because they were being investigated for alleged wrongdoing never recovered their vehicles even after they had been cleared. Individual soldiers also seized the vehicles of private individuals “for operations”. Such vehicles were seldom returned to their owners, or were returned to them in a state that made them unfit for the owners’ own use. Some of the vehicles were appropriated by the officials who had seized them, and on occasion the registration number was changed or the colour was changed, and then kept by the officials. Vehicles of all makes and sizes were seized and never returned. These vehicles remain untraceable, on account of the poor record-keeping that accompanied the adoption of a new system of vehicle licensing in Ghana

3.8.11.2 The seizures were not limited to cars and buses. As a result of a policy that private individuals were not entitled to own tractors and other heavy agricultural equipment, persons who owned tractors and harvesters lost them as they were seized by the military and some government officials. No compensation was paid for the seized equipment.

3.8.11.3 Other forms of property such as businesses, buildings, jewellery, farms, farm animals, were also seized or confiscated. On occasion, families were ordered out of their homes at gunpoint and never allowed back. Moneys were seized or ordered to be paid into PNDC Account Number 48.

3.8.12.0 Disappearances

3.8.12.1 A number of Ghanaians have disappeared. Although many were former military personnel, there were many civilians as well. Many of the disappeared had been arrested by agents of the state, and had never seen since. There is credible evidence that many of these “disappeareds” were murdered while in the custody of the State or of state-agencies, that is, the Police, Military or the Bureau of National Investigations (BNI). There was no attempt to communicate the fact of the death to the relations of the deceased and consequently they are considered as having disappeared, whilst their families wait in hope that they might reappear one day.

VOLUME 2 CHAPTER 3**3.8.13 Detentions**

3.8.13.1 Detentions of political opponents and others classified as “danger to national security” became commonplace with the promulgation of the Preventive Detention Law,

1982 (PNDCL 4). Many persons suffered detentions for long periods of time – sometimes without any legal instrument covering their detention. On occasion, some detentions were made lawful more than two years after the detainees had been taken into custody. The length of detentions varied from a few days to almost ten years, for some of the young soldiers accused of involvement in coup plots. Often these detainees were not told why they had been detained, nor did they have an opportunity to challenge their detention.

3.8.13.2 Attempts by some detainees to challenge their detentions were thwarted by the promulgation of the Habeas Corpus (Amendment) Law, 1984 (PNDCL 91). This Law suspended the operation of the Habeas Corpus Act, 1964 (Act 244), and prohibited the courts from examining the grounds upon which anyone had been detained. Political detention was no respecter of persons, and all manner of persons were detained often upon a mere allegation or even suspicion of wrongdoing.

3.8.14.0 Tortures

3.8.14.1 Just like the AFRC era (see 3.6.1.7.1 above), the use of torture was practised on a massive scale, and in several instances, to extract information or confessions from victims. The methods of torture were both physical and psychological. From beatings, blinding and ear-splitting slaps through kicking with military boots, torching parts of the body of victims, slashing of parts of the body, electric shocks to the genitalia, whipping with barbed wire, caning in public; torture by use of starved rodents; pounding of toes until toe nails fell off; and pulling off of toe nails with pliers, and hammering the head with sharp or heavy objects. Other methods included being made to lie face upwards and watch the sun for long periods of time, being subjected to the glare of powerful lights round-the-clock; being made to crawl on gravel until serious injury occurred; being forced to drink water from open drains; being forced to swim in open drains; being made to drink one’s own or others’ urine; use of ears as ash-tray; singeing of body; tattooing the body with cigarette ends; being made to engage in a slapping contest /fight with one’s close relations or fellow detainee; being forced into a water tank filled with smelly water; being shaved with broken bottle; being forced to consume various substances such as rock-salt and uncooked food items. There was also forced labour such as being forced to sweep the precincts of guardrooms, cut grass or clean lavatories; off-loading trucks and carting of seized goods; and being made to fill sandbags. The torture of females frequently involved rapes, gang-rapes and simulation of the sexual act and males were forced to lie on the ground and copulate with the earth, with the result that some suffered injury to their genital organs, and consequently, sexual impotence. There were even instances of forced cannibalism.

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3.8.14.2 The variety of methods of psychological torture included mock executions; being forced to lie in a coffin; being paraded on the streets naked or with little clothing, and other forms of indignity.

3.8.15 Acts Against GAF Senior Officers And NCOs.

3.8.15.1 Senior Officers and some NCOs who were known for strict discipline were targeted by their subordinates. Some were shot and killed in cold blood, as were the Navy Officers in Takoradi; others were falsely accused of subversion, arrested, detained and subsequently dismissed or discharged from the GAF. Still others were subjected to ill-treatment by their subordinates, and discipline within the Armed Forces suffered a great deal. The Command Structure was stood on its head as Senior Officers took instructions from politically-powerful lower rank soldiers.

3.8.16 Dismissal of Judges

3.8.16.1 The inviolability of the Judiciary received another jolt when many judges were dismissed on allegations of corruption, drunkenness or incompetence without being given an opportunity to respond to the charges. These dismissals were effected on 10th April, 1986, after the dissolution of the Judicial Council by announcement a week earlier, on 2nd April, 1986. By repealing the provisions governing the procedure for the discipline of Judges under section 22 of the Provisional National Defence Council (Establishment) Proclamation (Amendment) Law, 1983 (PNDCL 42), and the promulgation of the Provisional National Defence Council (Establishment) Proclamation (Supplementary and Consequential Provisions) (Amendment) Law, 1986 (PNDCL 145), the government was able to sidestep the procedures that had been earlier established. In 1988, the procedures for the discipline of judges, that had been earlier abolished, were restored by the re-establishment of the Judicial Council under the Provisional National Defence Council (Establishment) Proclamation (Supplementary and Consequential Provisions) (Amendment) Law, 1988 (PNDCL 228). The absence of the Judicial Council meant that there was no longer any buffer between the Executive and the Judiciary, and judges had no protection against executive action. This state of affairs also affected the confidence of the Judiciary and its ability to be an impartial arbiter between the individual and the state.

3.8.17.0 Extra-judicial killings within the GAF

2.8.17.1 In 1982 the Special Military Tribunal Law, 1982 (PNDCL 19) was promulgated to create special tribunals for trying military personnel who misconducted themselves, and civilians who attacked soldiers in the course of their duty. This body had power to impose penalties extending even to dismissal from service. On 3rd April, 1984, the Special Military Tribunal (Amendment) Law, 1984 (PNDCL 77) was enacted and made

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retrospective from 21st July, 1982. This enactment greatly expanded the jurisdiction of the Special Military Tribunal, not only to cover serving military personnel, but also retired ones as well as deserters from the Ghana Armed Forces. It was not a fixed entity but could be convened by the Commander-in-Chief or someone delegated by him as and when the occasion demanded, and when so convened, had the status of a High Court. The t

tribunal was also given power to hand down death sentences to both civilians and military personnel tried by it, and its decisions were not subject to appeal.

3.8.17.2 The period between 1982-1986, saw the execution of many military personnel and some civilians by the military and political authorities. Some of these executions were filmed. It is uncertain whether all of these persons were ever tried, or tried by any of these Special Military Tribunals according to the established rules. Whether or not such executions could be subsequently legitimized through retroactive legislation remains an issue.

3.8.17.3 Serving and former military personnel termed “dissidents” were executed without trial, and sometimes at public installations such as the military camps, the Air Force Station in Accra or at the Border Guard Headquarters, by politically well-connected soldiers. No public enquiries were ever held into these killings, and even when the identities of those individuals responsible for the executions were known, no official action was ever taken against them.

3.9.0 Conclusion

3.9.1 In this overview of the historical context, it has been shown that the seeds of many of the problems Ghana confronted in her post-Independence history, lay in events in the immediate pre-Independence period.

3.9.2 The human rights abuses that occurred as office holders struggled to keep the entity Ghana together, could also be traced to the fractious nature of relations among the leaders of the ruling party and the opposition parties of the period. The enactment of the PDA, ostensibly to check terrorism, led to the dismemberment of opposition parties and the transformation of Ghana into a one-party state. These events were in no small way responsible for the public disaffection that was displayed against the CPP when the government was overthrown.

3.9.3 The politics of vendetta of the post-1966 period as well as the “Musical Chairs” politics between the two main political traditions of Ghana have in no small way contributed to the perception of public office as a transit point to life in prison.

3.9.4 The determination of some people of socialist orientation to fashion out a better world than what the previous generations had done, led to an experiment with social re-engineering that eventually left a heavy toll. The violence visited on political opponents on an unprecedented scale during the era of the NRC/SMC,AFRC as well as the PNDC

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all testify to the fact that respect for human rights and respect for due process are necessary values that must be cultivated and upheld in this country.

LIST OF ABBREVIATIONS

1. AASU	--	All African Students Union
2. AFRC	--	Armed Forces Revolutionary Council
3. AGC	--	Ashanti Goldfields Corporation
4. ARPB	--	Association of Recognised Professional Bodies
5. ATTC	--	Accra Technical Training Centre
6. CIA	--	Central Intelligence Agency
7. CCDF	--	Coordinating Committee Of Democratic Forces.
8. CPP	--	Convention People's Party
9. CPPSU	--	Convention People's Party Students Union
10. GBA	--	Ghana Bar Association
11. GNA	--	Ghana News Agency
12. GYP	--	Ghana Young Pioneers movement
13. IPS	--	Institute of Professional Studies
14. ITG	--	International Tobacco Company Ltd Ghana
15. JFM	--	June Fourth Movement
16. KNUST	--	Kwame Nkrumah University of Science and Technology
17. NASSO	--	National African Socialist Students Organisation
18. NDC	--	National Defence Committee
19. NLC	--	National Liberation Council
20. NRC	--	National Redemption Council
21. NSU	--	Northern Students Union
22. NUGS	--	National Union Of Ghana Students
23. PDA	--	Preventive Detention Act
24. PNDC	--	Provisional National Defence Council
25. PNP	--	People's National Party
26. SIB	--	Special Investigations Board
27. SMC	--	Supreme Military Council
28. SRC	--	Students Representative Council
29. TEWU	--	Teachers and Educational Workers Union
30. TUC	--	Trades Union Congress
31. UCC	--	University of Cape Coast
32. UCGC	--	University College of The Gold Coast
33. Unigov	--	Union Government
34. UST	--	University of Science And Technology
35. UTAG	--	University Teachers Association Of Ghana
36. USSR	--	Union of Soviet Socialist Republics

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37. WDC -- Workers Defence Committees