



25 January 2022

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United Nations Working Group on Arbitrary Detention
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VIA ELECTRONIC MAIL

Dear Members of the Working Group on Arbitrary Detention,

Re: The arbitrary arrest and detention of George Nyakpo by the Republic of Ghana

The Unrepresented Nations and Peoples Organization (UNPO) wishes to bring to your attention the extremely concerning practice of using arbitrary arrests and detentions to prevent the free exercise of the rights to freedom of expression, opinion, association and peaceful assembly in the Volta Region of Ghana. In particular, we would like to report the case of George Kobla Nyakpo. Our submission consists of this letter and various annexes to the letter, including the case details using the Working Group's Model Questionnaire.

Mr. Nyakpo's Case

Mr. Nyakpo was arbitrarily detained on 14 July 2021. The reason for his arrest was not provided to the court until 22 July 2021, despite a 48-hour requirement in the criminal procedure law. Ultimately, he was held without charge for 56 days and held in pre-trial detention for 156 days without a court ever ruling on an application for release. Despite repeated attempts at challenging his detention, no court has yet ruled on its lawfulness or on pre-trial release. Rather, on 17 December 2021, Mr. Nyakpo was released on bail at the discretion of the public prosecutor just prior to a detention hearing, relieving the court of the ability to rule. Immediately after the prosecutor announced his release to the court, the prosecutor told Mr. Nyakpo that he will be immediately re-arrested and detained should he exercise his rights to expression, opinion, association and peaceful assembly.

Mr. Nyakpo is a leading member of the Homeland Study Group Foundation (HSGF), a non-governmental organization that works for the self-determination of the people of the Volta Region

of Ghana, which they call “Western Togoland.”¹ HSGF is dedicated to working for self-determination solely through non-violent means and its activities typically consist of dialogue, protest and other non-violent symbolic acts, as well as discussion about the history of “Western Togoland” alternative forms of self-determination for its people. HSGF has been active in Ghana since 1994, openly and non-violently working for self-determination.

In September 2020 a group called the *Western Togoland Restoration Front* (WTRF) unilaterally declared an independent state in the Volta region of Ghana using armed road blockades and, according to media reports, attacking police stations and personnel. Immediately after, the WTRF issued a press release “emphatically stat[ing] that Homeland Study Group Foundation has no hand in the Road Blocks” in an apparent attempt to build the WTRF supporter base contrasting itself with HSGF’s non-violent approach.

Mr. Nyakpo was arrested on 14 July 2021 in the city of Ho, the capital of the Volta Region, where he resides. He was transferred to Accra, the capital city of Ghana some four hours drive away, further separating him from his family and life. The reason for his arrest was provided in a filing on 22 July 2021, despite a requirement to provide it within 48 hours. Ultimately, he was held without charge for 56 days. When he was eventually charged, he was not charged with any offense directly related to the actions of the WTRF, nor with any charge before the High Court in Accra. Rather, in an apparent admission that Mr. Nyakpo had no affiliation to the clearly-illegal actions taken by the WTRF the prior year, and that his detention in Accra was without legal purpose, he was charged with only one offense: the violation of the “Prohibited Organisations Act” of 1976 in a case proceeding before the Circuit Court in Ho against him and other leaders of HSGF for participating in November 2019 in a meeting at which a symbolic declaration of independence was made.²

The Prohibited Organisations Act is an arcane and disused decree of dubious legality in Ghana, issued in 1976 by the *Supreme Military Council*, a military junta that ruled Ghana for four years in the 1970s. The decree violates basic principles of international human rights law by establishing a blanket ban over organizations working for self-determination of the people of the Volta Region and criminalizing all those engaged with those organizations in any way. Specifically, the decree prohibits any organization “whose objects include advocating and promoting the succession from Ghana of the former British mandated territory of Togoland or part thereof or the integration of the said territory with any foreign territory.” The decree does not similarly prohibit such organizations focused on any other territory of Ghana. Moreover, the decree makes it a crime punishable by five years in prison:

(a) to summon any person to a meeting of the organization; (b) attend or cause any person to attend any meeting of the organization; (c) to publish any notice or advertisement relating to any meeting of the organization; (d) to prepare or participate

1 This region of Ghana and the neighboring Togolese Republic were once jointly-controlled by the German Empire and were later split into British Togoland and French Togoland. During the period of decolonization, French Togoland became an independent state, the Togolese Republic, while British Togoland was merged into neighbouring Ghana, also under British domination, following a plebiscite that that some dispute.

2 Available at [https://lawsghana.com/pre_1992_legislation/SMC%20Decree/PROHIBITED%20ORGANISATIONS%20ACT,%201976%20\(SMCD%2020\)/118](https://lawsghana.com/pre_1992_legislation/SMC%20Decree/PROHIBITED%20ORGANISATIONS%20ACT,%201976%20(SMCD%2020)/118)

in any procession or propaganda, campaign of the organization; (e) to use any slogan or label of the organization; (f) to invite persons to support the organization; (g) to grant a loan to, or make any contribution to, funds held or to be held by or for the benefit of, the organization or accept any such loan or contribution; (h) to give any guarantee in respect of such loan or funds as aforesaid; or (i) to be a member of such organization.

This decree does not appear to have ever been used since the establishment of democracy in Ghana with the Fourth Republic in 1992. Critically, HSGF has been openly engaging on the subject of “Western Togoland” since 1994 and no action appears to ever have been taken to designate HSGF as an organization under the decree, nor does any member of HSGF ever appear to have been prosecuted based on it.³ This is unsurprising as its status as a lawful instrument is highly questionable in light of provisions in the current Constitution of Ghana that require laws enacted prior to the Constitution to be brought into line with it. The Constitution of Ghana explicitly guarantees basic human rights and fundamental freedoms, including the equal application of the law and the rights to freedom of opinion, speech, association and assembly.

As such, the use of the decree in this instance appears to be entirely arbitrary. It appears to have been dusted off by the public prosecutor simply to justify the repeated arrests and detentions of Mr. Nyakpo and other leaders of HSGF in circumstances where there were no grounds or evidence on which to arrest or prosecute them under the ordinary criminal law of Ghana.

During his 156 in detention, Mr. Nyakpo repeatedly attempted to challenge the detention both before he was charged and thereafter. He was repeatedly denied a proper hearing on either legality of the arrest or on pre-trial detention, with proceedings being regularly delayed simply because the prosecutor argued that more time was needed to conduct investigations. He was eventually transferred back to Ho in November 2021 and then released on 17 December 2021.

Crucially, his release appears to have been made unilaterally by the prosecutor and not by order of the court. In so doing, Mr. Nyakpo was prevented from ever having a court decide on the legality of his detention or the terms of his release. Rather, immediately upon his release, Mr. Nyakpo was told by the prosecutor that he would be immediately arrested and placed back in detention should he speak publicly or attend any meetings related to “Western Togoland” .

Systemic use of criminal procedure to infringe civil and political liberties

Mr. Nyakpo’s case is indicative of a pattern of practice by the authorities in Ghana to use arrests and prolonged detention to target the HSGF and its supporters. In recent years, members of HSGF have been regularly arrested and detained for entirely non-violent activities. Its members have been arrested for wearing T-Shirts, holding meetings and attending peaceful demonstrations.

A pattern has emerged in which participants in HSGF activities have been detained and held without charge for lengthy periods until a court either orders their release or the authorities release them knowing that a court will do so. These same people are then quickly rounded up and re-

³ <https://unpo.org/article/22162>

arrested restarting the procedural clock related to arrests and detention. This appears to be a naked attempt by the authorities to use criminal procedure law as a means of silencing non-violent, protected opinion, speech, association and assembly.

Mr. Nyakpo's case appears to be evidence of yet another attempt in this regard, marking a significant escalation on the part of the government of Ghana. Having failed to find any charges to bring against members of the HSGF, the authorities appear to have decided to revert to a blunt instrument of oppression created by Ghana's military dictatorship. In doing so, it presents a significant danger from the respect for human rights and the rule of law in Ghana as a whole.

The use of the Prohibited Organizations Act in this case sends a clear signal to the people of the Volta Region of Ghana: unlike every other citizen in Ghana, they have no right to hold opinions, form organizations or speak about the right to self-determination irrespective of whether they are doing so entirely non-violently, through lawful means and within the boundaries of the laws and principles governing democratic, public participation in Ghana.

Our appeal

As a consequence of the systematic pattern of continuous arrests and releases of HSGF members as well as the use of the aforementioned decree, Mr. Nyakpo is highly likely to be rearrested, like many others. In fact, he has been threatened by the Prosecutor with rearrest and denial of bail if he ever talks about Western Togoland again, further infringing on his right to freedom of expression and freedom of assembly. As such, although Mr. Nyakpo is currently released on bail, he still faces the threat of arrest and further detention.⁴ As Mr. Nyakpo's case indicates, the government of Ghana has repeatedly disregarded international human rights standards in the Volta Region.

Moreover, while not directly relevant to this application, it is worth noting here that the actions of the Ghanaian authorities not only constitute a violation of international law; they are also simply bad policy. The government's continued use of the Prohibited Organizations Act and criminal law more generally to deal with the non-violent self-determination movement in the Volta Region is creating space for radical, violent groups like the Western Togoland Restoration Front to emerge that are trying to galvanize a frustrated public. As a result, the government's actions are not only violating basic principles of democratic governance and international human rights law; they are making Ghana less safe for all of its citizens.

Thus, the UNPO requests the WGAD and other relevant Special Procedures of the United Nations to seize themselves of this matter and to:

1. Declare the arrest and detention of Mr. Nyakpo arbitrary;

4 See A/HRC/WGAD/2020/8, Opinion No. 8/2020 concerning Delankage Sameera Shakthika Sathkumara (Sri Lanka), Opinions adopted by the Working Group on Arbitrary Detention at its eighty-seventh session, 27 April – 1 May 2020, 22 May 2020, para. 20, 51. Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_8_Advance_Edited_Version.pdf.

2. Call on the Ghanaian authorities to immediately release Mr. Nyakpo if he is arrested again, and all the other members of the Homeland Study Group Foundation;
3. Declare the continued arrests and detentions of HSGF members a systemic problem in Ghana;
4. Call on the Ghanaian authorities to officially declare null and void the blanket ban of Section 1(1)(b) of the Prohibited Organisations Act, 1976 which states that “(1) The following organisations are hereby declared unlawful and prohibited, namely, ... (b) any other organisation, by whatever name it is called, whose objects include advocating and promoting the secession from the Republic of Ghana of the former British mandated territory of Togoland or part of that territory or the integration of that territory with a foreign territory”, which is contrary to the right to self-determination;
5. Call on the Ghanaian authorities to bring the Prohibited Organisations Act, 1976 into conformity with their international obligations, in particular, with Article 1, 9(3), 19, 21 and 22 of the International Covenant on Civil and Political Rights which Ghana ratified in 2000;
6. Call on the Ghanaian authorities to bring the the Prohibited Organisations Act, 1976 into conformity with their Constitution; and
7. Conduct a country-visit to examine the extent to which criminal law is being used to violate basic civil liberties in Ghana.

Thank you for your time and consideration.

Yours sincerely,



Ralph J. Bunche
General Secretary
Unrepresented Nations & Peoples Organization

CC: Irene Khan, UN Special Rapporteur for Freedom of Opinion and Expression
Clement Nyaletsossi Voule, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association
Fernand de Varennes, UN Special Rapporteur on Minority Issues
Francisco Cali Tzay, UN Special Rapporteur on the Rights of Indigenous Peoples
Mary Lawlor, Special Rapporteur on the situation of human rights defenders

UN Working Group on Arbitrary Detention Model Questionnaire
Case of George Kwabla Nyakpo in the Republic of Ghana

25 January 2022

I. Identity

1. *Family name:* NYAKPO
2. *First name:* George
3. *Second name:* Kwabla (see also Kobla and Korbla)
4. *Sex:* Male
5. *Birth date or age (at the time of detention):* [Redacted]
6. *Nationality/Nationalities:* Western Togolander or Ghanaian. Ewe ethnicity.
7. *Identity:*
 - (a) *Identity document (if any):* [Redacted]
 - (b) *Issued by:* [Redacted]
 - (c) *On (date):* [Redacted]
 - (d) *No.:* [Redacted]
8. *Profession and/or activity (if believed to be relevant to the arrest/detention):* Human rights defender for the people of the Volta Region in Ghana.
9. *Address of usual residence:* Ho, Volta Region, Ghana.

II. Arrest

1. *Date of arrest:* 14 July 2021
2. *Place of arrest (as detailed as possible):* Ho, Volta Region, Ghana.
3. *Forces who carried out the arrest or are believed to have carried it out:* Bureau of National Investigations (BNI) of Accra, Ghana.
4. *Did they show a warrant or other decision by a public authority?* No.
5. *Authority who issued the warrant or decision:* N/A.
6. *Reasons for the arrest imputed by the authorities:* The statement of offense dated 22 July 2021, provided eight days after arrest despite a 48-hour requirement claims that he:
 - a) committed an act of treason/felony for he “prepared to carry out by unlawful means an enterprise to usurp the executive powers of the Republic”⁵ “on or before 25 September 2020 at the Volta Region” contrary to section 182(b) of the Criminal Offences Act 1960 (Act 29);⁶ **Ultimately not charged**;

5 See Annex A: *The Republic v. George Kwabla Nyakpo*, “Statement of Offence”, In the District court Kaneshie, Accra, 22 July 2021.

6 See Annex D: *The Republic v. Charles Kwame Kudzordzi, Peter Godsfriend Edem, Mkpè Tornyui Judjo, Kofi Agbeko, Agbenyegah Akudzi, Euphemia Agborgbortsi, Stephen Arku, George Korbla Nyakpo*, “Charge Sheet”, In the Circuit Court of Justice, Ho – A.D. 2021, 8 September 2021.

- b) “participated in the campaign and activities of a prohibited organization namely, Western Togoland Organization” contrary to Article 2(1)(d) of the Prohibited Organization Act, 1976 (SMCD 20).
7. *Legal basis for the arrest including relevant legislation applied:* the statement of offense dated 22 July 2021 indicates that George Nyakpo violated:
- a) Section 182 (B) of the Criminal Offences Act 1960 (Act 29);
 - b) Article 2(1)(d) of the Prohibited Organization Act, 1976 (SMCD 20).

III. Detention

1. *Date of detention:* 14 July 2021.
2. *Duration of detention:* 156 days. Released on bail on 17 December 2021.
3. *Forces holding the detainee under custody:* Ghanaian police.
4. *Places of detention (indicate any transfer and present place of detention):* Accra, Ghana. Transferred to Ho at beginning of November 2021.
5. *Authorities that ordered the detention:* Bureau of National Investigations.
6. *Reasons for the detention imputed by the authorities:* Mr. Nyakpo is charged with being a member and participating in meetings of a prohibited organization.
7. *Legal basis for the detention including relevant legislation applied:* Section 1 and 2 of the Prohibited Organizations Act, 1976.⁷

IV. Describe the circumstances of the arrest

Mr. Nyakpo is a leading member of the Homeland Study Group Foundation (HSGF), a non-violent civil society movement that has been openly working for the self-determination of the people of “Western Togoland” since 1994. His arrest and detention for 156 days – 56 without charge, and including eight days without the police explaining why he was arrested to the court – illustrates the manner in which the authorities in Ghana have sought in recent years to manipulate the criminal justice system to silence the HSGF.

Over the course of three years, members of HSGF have been regularly arrested and detained justified pursuant to a claimed suspicion of crimes related to treason and other serious crimes within the ordinary criminal law of Ghana. Each time, after a prolonged detention, members of the HSGF have been released with no charges filed or after charges have been vacated by the court.

Now, having failed to find evidence justifying prosecution of HSGF members under ordinary criminal law, the authorities have decided to prosecute HSGF leaders for violating a decree, apparently unused since Ghana’s transition to democracy in 1992, issued by the military junta that ruled Ghana for some years in the 1970s. In violation of basic principles of international human rights law, including rights to equal application of the law, to nondiscrimination, and to freedom of opinion, speech, association and assembly, the decree prohibits any organization seeking self-determination for people in the Volta Region and criminalizes any person who engages in any way with such an organization.

As with other members of HSGF, Mr. Nyakpo was detained for a prolonged period (56 days) without charge. When he was eventually charged, it was only on the basis that he was a member and

⁷ Available at [https://lawsghana.com/pre_1992_legislation/SMC%20Decree/PROHIBITED%20ORGANISATIONS%20ACT,%201976%20\(SMCD%2020\)/118](https://lawsghana.com/pre_1992_legislation/SMC%20Decree/PROHIBITED%20ORGANISATIONS%20ACT,%201976%20(SMCD%2020)/118)

participated in the activities of the HSGF. And yet he was held in detention for a further 100 days with a bail application pending, with no apparent justification given other than that more investigations were needed to develop evidence necessary to prosecute him under charges for which there are only two pertinent questions: whether the HSGF is a prohibited organization and whether Mr. Nyakpo participated in activities of this organization. When Mr. Nyakpo was eventually released, his release was made unilaterally by the prosecutor, not by the court. He was immediately threatened by the prosecutor with immediate re-arrest should he speak about self-determination in “Western Togoland” or attend any meetings or demonstrations related to it.

Mr. Nyakpo, and indeed any person who believes in self-determination for the people of the Volta Region of Ghana, now live under constant threat of arrest and prosecution simply for exercising their basic civil liberties. And the authorities in Ghana appear to have achieved their ultimate objective: to use the criminal procedure law of Ghana to silence a non-violent movement seeking to uphold the right to self-determination as guaranteed by international law.

(a) There is a history of arbitrary arrests and detentions against the HSGF.

HSGF is a civil society organization that has been operating openly in Ghana since 1994, seeking self-determination for the people of the Volta Region/“Western Togoland”.⁸ For HSGF “Western Togoland” corresponds to the Volta Region of Ghana. This region and the neighboring Togolese Republic were once jointly-controlled by the German Empire and were later split into British Togoland and French Togoland. During the period of decolonization, French Togoland became an independent state, the Togolese Republic, while British Togoland was merged into neighboring Ghana, also under British domination, following a plebiscite that some dispute.

It does not appear that HSGF has ever been declared a prohibited organization even while openly engaging in its activities since 1994. Its activities include printing and distribution of materials promoting self-determination, engaging in symbolic acts, such as symbolic declarations of independence (which they have done at least twice, once on 9 May 2017 and again on 17 November 2019), and holding demonstrations, meetings and discussions on the path to self-determination.⁹ It does not promote violence as part of the movement for self-determination. To the contrary, it has been very vocal about its commitment to non-violence and its opposition to any groups that use violence, including calling for the investigation and prosecution of such actors.¹⁰

In recent years, the authorities in Ghana have begun using the criminal justice system to target the activities of the HSGF. For example, in 2017, seven HSGF members were arrested for wearing T-shirts with the inscription “9 May 2017 is OUR DAY Western Togoland”, referring to a date on which a symbolic declaration of independence was made. In May 2019, in advance of a meeting to discuss self-determination, eight members of HSGF were arrested and detained on charges of charged with conspiracy to commit treason felony, abetment of unlawful training, unlawful assembly and offensive conduct conducive to the breach of peace.¹¹ A large group of approximately 80 additional supporters were subsequently arrested. Then, in November 2019 the

8 “Charles Kormi Kudzorzi, leading figure of Western Togoland's self-determination movement, passes away aged 88”, *UNPO*, 18 October 2021. Available at: <https://unpo.org/article/22162>.

9 “Western Togoland: Meeting on Right to Self-Determination Attracts Hundreds”, *UNPO*, 17 April 2019. Available at: <https://unpo.org/article/21466>.

10 “Western Togoland: Leader of HSGF Strongly Condemns Violence on All Sides and Recalls Ghanaian Authorities for Peace Talks”, *UNPO*, 6 October 2020. Available at: <https://unpo.org/article/22087>.

HSGF made a second symbolic declaration of independence, following which some 30 people were arrested for either attending a gathering at a local radio station or planning a demonstration.¹²

In June 2020 the Volta Region was militarized ahead of the 2020 Ghanaian elections, a move which was widely condemned by opposition political parties in Ghana.¹³ A combination of the repeated arrests and detentions of HSGF members, which greatly restricted its ability to operate, and this new militarization appears to have opened space for different groups, more violent in nature, to emerge. Thus, on 25 September 2020, a group calling itself the Western Togoland Restoration Front (WTRF) declared an independent state in the Volta Region using armed road blockades and attacking police stations and personnel. WTRF issued a public release “emphatically stat[ing] that Homeland Study Group Foundation has no hand in the road blocks” in an apparent attempt to gain support of people frustrated with the non-violent methods employed by the HSGF.¹⁴ HSGF similarly issued a release making clear it was not affiliated with WTRF, calling for non-violence and for the authorities to investigate and prosecute perpetrators.¹⁵

Some 60 members of HSGF were arrested in connection with the events in September. By late October, the courts expressed exasperation over the fact that they were being held without sufficient evidence and they were released with all charges vacated against them. However, no formal reasons for the release decision were given, in spite of requests from defence lawyers.¹⁶

Thus, over the course of at least three years, members of HSGF have been repeatedly arrested and detained for prolonged periods, all for similar activities, and then subsequently released. A pattern of practice appears to have been established whereby they are arrested and detained based on allegations of serious crimes such as treason, but are then held without charge for prolonged periods and subsequently released, with the releases often occurring before a court has had an opportunity to rule on the legality of the arrest or the length of the detention.¹⁷

As told to the UNPO, those arrested for allegedly participating in the HSGF include:

- **Edem Nukornu (still in detention)**, a 35 year-old male, was violently arrested on 23 November 2020 in his residence at Jasikan by governmental authorities. No warrant was provided. He has apparently been detained for almost a year, in the Bureau of National Investigations (BNI) cells and Nsawam prison, with no access to a lawyer or family contact.
- **Kwame Tornyeviadi (still in detention)**, a 30 year-old male, was detained on 15 November 2020 at Denu. He was first detained in the BNI cells but was later transferred to Nsawam prison, where he was finally able to communicate with his family. During detention, the authorities allegedly tortured him, denied him medical treatment and access to a lawyer.

11 “Compromised Spaces: In Western Togoland, HSGF President Granted Bail, Seven Others Remanded”, *UNPO*, 21 June 2019. Available at: <https://unpo.org/article/21548>.

12 “Western Togoland: Members of HSGF Systematically Persecuted by Ghanaian Authorities”, *UNPO*, 20 March 2020. Available at: <https://unpo.org/article/21783>.

13 “Western Togoland: Ghanaian Opposition Condemns Military Deployment in Volta Region”, *UNPO*, 30 June 2020. Available at: <https://unpo.org/article/21957>.

14 “Western Togoland: 60 Members of Homeland Study Group Released”, *UNPO*, 22 October 2020. Available at: <https://unpo.org/article/22103>.

15 *Ibid.*

16 *Ibid.*

17 “Compromised Spaces: In Western Togoland (...)” (n 10).

- **Johashaphat Tsogbe** was arrested on 26 December 2019 by Ghana’s police in Bakanba in the Oti region. He alleges that excessive and violent force was used when he was arrested, and that no warrant nor reasons for the arrest were provided. He was detained for one month, spent two weeks in police custody and was admitted into hospital for two weeks, handcuffed throughout. He claims that his detention conditions were deplorable: 40 people were detained in a room of 10-12, no food was made available, and he was denied timely medical treatment.
- **Euphemia Gborgbortsi**, 61 years old, was arrested on 19 November 2019 in her home in Wli town at midnight by the Ghanaian police. No warrant nor reasons for the arrest were given, and she had access to a lawyer only two weeks after the arrest. She was detained for six months.
- **Nathaniel Acolatse** is a 47 year-old male who was detained on 29 September 2020. Although no warrant was provided, the authorities arrested him for allegedly making donations to HSGF. During his detention – which lasted for more than a year – he claims he was tortured, denied his prescribed medication and contact with his family for several weeks.
- **Ibrahim Tofa**, a 59 year-old male, was arrested on 19 November 2019 and detained in Ho Barracks Newton. He was detained for six months in allegedly poor conditions: 105 detainees were held in a room for 20-22 people, food and water were scarce, and sanitation was poor.
- **Agbenyega Akudzi**, a 54 year-old male, was arrested on 5 May 2019 in the HSGF offices. He was detained for 64 days. On 19 November 2019 he was arrested for the second time, in Barracks Newton. His detention conditions were poor, with overpopulated cells, scarce food and water, and poor hygiene.
- **Peter Godsfriend**, a 49 year-old male, was arrested on 18 November 2019 in his house in Ho. He was detained for six months.

(b) My Nyakpo was detained without charge for 54 days.

The arrest and detention of Mr. Nyakpo appears to follow this same pattern of practice. Mr. Nyakpo was arrested on 14 July 2021 in Ho, the capital city of the Volta Region. He was going to visit a friend called Koffi Gbedemah. Shortly before arriving to Koffi’s entrance door, two cars with 10 men aboard arrived, beat George and drove away with him. There were no witnesses.

The “statement of offense” that was filed to justify his arrest and detention was filed eight days later, despite a 48-hour requirement. It indicated that he was being held on suspicion of felony treason contrary to section 182(b) of the Criminal Offences Act 1960 (Act 29), and participating in the activities of an organization prohibited under Article 2(1)(d) of the Prohibited Organization Act.

Mr. Nyakpo was immediately transferred to Accra, the capital city of Ghana, under the jurisdiction of the High Court of Ghana. There, he was held without charge for 56 days.

Mr. Nyakpo regularly attempted to obtain his release during this time. On 13 August 2021 a motion for bail was made by Mr. Nyakpo. At a hearing on 27 August 2021, the presiding judge adjourned a decision on bail as no charge sheet or statement of facts had be filed in the case. Adjournments were made in two further hearings for the same reason. Thus, rather than release Mr. Nyakpo because of a failure to bring charges against him, he was instead held in custody with repeated adjournments until the prosecutor brought charges.

(c) Mr. Nyakpo was prosecuted only under the Prohibited Organisations Act.

On 8 September 2021 a separate case was opened in the Circuit Court of Ho against Mr. Nyakpo and eight other members of the HSGF. In this case, no charges cognizable under the ordinary criminal law were brought. Rather, defendants were charged with attending a meeting of 100 people on 16 November 2019 at which they symbolically declared an independent state for Western Togoland and then dispersed, with no further action taken at any stage beyond sharing the event on social media. For this, defendants were charged with only one offence: violation of the Prohibited Organizations Act.

The Prohibited Organisations Act was issued in 1976 by decree of the Supreme Military Council, a military junta that ruled Ghana in the mid-1970s. The decree prohibits any organization “whose objects include advocating and promoting the succession from Ghana of the former British mandated territory of Togoland or part thereof or the integration of the said territory with any foreign territory.” The decree does not similarly prohibit such organizations focused on any other territory of Ghana and makes no distinction between acts which are violent or criminal in nature and those that are acts that will generally occur in any normal democracy.

The decree makes it a crime punishable by five years in prison:

(a) to summon any person to a meeting of the organization; (b) attend or cause any person to attend any meeting of the organization; (c) to publish any notice or advertisement relating to any meeting of the organization; (d) to prepare or participate in any procession or propaganda, campaign of the organization; (e) to use any slogan or label of the organization; (f) to invite persons to support the organization; (g) to grant a loan to, or make any contribution to, funds held or to be held by or for the benefit of, the organization or accept any such loan or contribution; (h) to give any guarantee in respect of such loan or funds as aforesaid; or (i) to be a member of such organization.

This decree does not appear to have been used since the establishment of democracy in Ghana in 1992. Critically, HSGF has been openly engaging on the subject of “Western Togoland” since 1994 and no action appears to ever have been taken to designate HSGF as an organization under the decree, nor does any member of HSGF ever appear to have been prosecuted on it.

It is unsurprising that the Prohibited Organizations Act does not appear to have been used since Ghana’s transition to democracy. Its status as a lawful instrument is highly questionable. The Constitution of Ghana requires laws enacted prior to it the Constitution to be brought into line with it. And it explicitly guarantees basic human rights and fundamental freedoms, including the equal application of the law and the rights to freedom of opinion, speech, association and assembly. Yet the Prohibited Organizations Act appears to contravene these basic rights: it applies only to the people of the Volta Region and does not similarly restrict other people in other regions of Ghana from seeking self-determination; and it criminalizes any and all conduct related to self-determination for these people, including holding meetings, distributing materials, attending demonstrations or otherwise speaking about self-determination in the Volta Region.

(d) Mr. Nyakpo was detained for a further 100 days with no justification.

Beyond the charge in the Circuit Court of Ho regarding the Prohibited Organizations Act, no charges for felony treason were brought, and indeed no charges in the High Court in Accra to which

Mr. Nyakpo was transferred. Moreover, the prosecution does not appear to have informed the High Court in Accra regarding the case in Ho. It was left to Mr. Nyakpo, in an affidavit from his law firm on 6 October 2021, to notify the court of the case in Ho and to, once again, request release.

Even then no action was immediately taken. Mr. Nyakpo remained in detention. A month later he was transferred back to Ho. Then, a month after that, on 17 December 2021, Mr. Nyakpo was released from detention during a bail hearing, marking 100 days in detention since the 8 September 2021 filing of charges in Ho and 156 days since his original arrest.

No justification was ever formally given for this continued detention during the period between 8 September 2021 and 17 December 2021, when he was released. He was repeatedly denied a formal detention hearing. In discussions with the prosecutor, his lawyers were informed that he was being held because of a need for additional investigation related to violation of the Prohibited Organizations Act. Yet it is hard to imagine what additional investigation was necessary to justify continued detention in a case such as the one brought in Ho, where the only facts alleged are that the HSGF seeks self-determination for the people of “Western Togoland” and that Mr. Nyakpo attended a meeting that was filmed and broadcast on social media.

Mr. Nyakpo was eventually released on 17 December 2021. Crucially, the release from detention was made unilaterally by the prosecutor at the bail hearing prior to the court deciding on the lawfulness of his arrest on the highly-dubious grounds of the Prohibited Organizations Act or on the conditions of his release. Instead he was released at the discretion of the prosecutor. The danger in this became clear shortly thereafter when he was given a verbal warning by the prosecutor that he would immediately be rearrested and placed in detention should he speak about “Western Togoland” or attend any meeting related to it.

V. Indicate reasons why you consider the arrest and/or detention to be arbitrary.

The WGAD enumerates five grounds on which to consider an arrest or detention arbitrary: (1) the basis for the deprivation of liberty is not authorized by domestic law; (2) the person has been deprived of liberty as a result of the exercise of fundamental rights, such as the rights to opinion, speech, association and assembly; (3) the person’s right to a fair trial have been violated in whole or in part; (4) the individual has been deprived of liberty for reasons of discrimination; or (5) in the case of an asylum seeker, migrant or refugee subject to prolonged administrative custody, the person has been denied administrative or judicial review or a remedy. Mr. Nyakpo’s arrest and detention violates all of these grounds with the exception of the last related to immigration.

(i) Mr. Nyakpo’s prolonged detention was not permitted by the Constitution or law.

As can be expected, the Constitution of Ghana permits the deprivation of liberty upon reasonable suspicion of having committed a crime and the boundaries of this are established in the Criminal Procedure Code (CPC). The applicable law did not justify Mr. Nyakpo’s detention.

Section 15 of the CPC provides that a person may be held in custody when arrested without warrant for 48 hours. Yet the reasons for his arrest were not provided to the court until eight days after his arrest, on 22 July 2021. He was, therefore, unlawfully detained in this period.

Section 29 of the CPC permits pre-trial detention during a period of investigation when “necessary for the prevention of a breach of the peace or disturbance of the public peace or the commission of any offence or for the public safety” but only after detained person has been ordered and failed to execute a bond (with or without sureties) required after a written judicial decision, and only for periods of up to 15 days. From the procedural record available, these rules were not followed. Mr. Nyakpo spent much of his period in detention seeking merely to have a hearing on his application for bail. A bond was not set and his detention was not reviewed every fifteen days.

Moreover, rules governing pre-trial detention cover only the period of investigation. Yet, Mr. Nyakpo continued to be held in custody for two months following the filing of charges against him in the Circuit Court of Ho under the Prohibited Organizations Act. In light of the nature of the conduct necessary to violate this draconian, and presumably unconstitutional law, it is unreasonable to assume that any further investigations were necessary or were realistically being carried out by the prosecutor. And, without regular judicial review, the necessity of investigation was not verified.

Finally, Mr. Nyakpo’s detention, at least from 8 September 2021 when he was indicted on the basis of the Prohibited Organizations Act alone, was likely not permitted because it is highly doubtful that the Prohibited Organizations Act as used in this case represents good law in Ghana. Article 11.6 of the Constitution of Ghana provides that laws in effect at the time of the Constitution’s enactment must be construed with “any modifications, adaptations, qualifications and exceptions necessary to bring it into conformity with the provisions of this Constitution.” The Prohibited Organizations Act on its face appears to contravene multiple constitutional guarantees.

Notably, Article 17 of the Constitution guarantees equality and freedom from discrimination, including equality before the law and against discrimination. It permits differential treatment only where “reasonably necessary to provide”: for the redressing of social, economic or educational imbalances; for matters of personal law (e.g. relating to adoption, marriage, divorce, burial, devolution of property on death); to restrict land ownership and use for non-citizens; or “for making different provision for different communities having regarding to their special circumstances.” The Constitution categorically does not permit a law like the Prohibited Organizations Act that prohibits only one community, the people of the Volta Region, from seeking self-determination. Moreover, the Constitution protects freedom of opinion, speech, assembly and association. As discussed below, blanket restrictions of the Prohibited Organizations Act violate basic principles underlying these rights. Thus it is likely that the Prohibited Organizations Act is not good law in Ghana today.

(ii) Mr. Nyakpo was deprived of liberty as result of the exercise of his rights or freedoms guaranteed by the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

The allegations against Mr. Nyakpo are (a) that the Homeland Study Group Foundation is a prohibited organization under the Prohibited Organizations Action; and (b) that he attended a meeting of the HSGF attended by 100 people at which a symbolic declaration of independence was made. The indictment makes clear that the meeting participants peacefully dispersed and the only actions taken to “give effect” to the declaration were to spread news and videos via social media.

HSGF is a civil society movement dedicated to promoting the right to self-determination of the people of “Western Togoland” through non-violent means and in accordance with the law. The

right to self-determination is explicitly guaranteed under Article 1 of the ICCPR. Belief in self-determination, speaking about it, and joining organizations or meetings about it are all protected by the UDHR and ICCPR and governments are obliged to ensure that it is respected and protected.¹⁸

As the WGAD stated in the recent case concerning the case of Spain and the Catalan self-determination movement:

freedom of opinion and expression includes the opportunity to express the way in which peoples may freely choose their political system, constitution or government, which points to the link with other human rights. The Human Rights Committee has stated that: “The rights under article 25 are related to, but distinct from, the right of peoples to self-determination. By virtue of the rights covered by article 1 (1), peoples have the right to freely determine their political status and to enjoy the right to choose the form of their constitution or government. Article 25 deals with the right of individuals to participate in those processes which constitute the conduct of public affairs”.¹⁹

While international human rights law allows for limitations on the rights to opinion, speech, association and assembly, any such restrictions must be necessary to achieve a legitimate aim and must be proportional. General Comment No. 34 of the Human Rights Committee highlights that these restrictions “may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights”.²⁰ Moreover, “extreme care must be taken by States parties to ensure that treason laws and similar provisions relating to national security, whether described as official secrets or sedition laws or otherwise, are crafted and applied in a manner that conforms to the strict requirements of [necessity].”²¹

Nothing in the case indicates that the law is being applied, and the rights of the members and supporters of the HSGF are being restricted in a manner that conforms with the principles of necessity or proportionality. For example, merely for attending an entirely peaceful meeting that the government itself admits led to nothing more than some social media interest around a symbolic act, Mr. Nyakpo has been arrested and detained for a prolonged period without charge or without the possibility of release upon the execution of a bond as required by the laws of Ghana. He is now being prosecuted for a crime carrying a five year sentence. Upon release he was threatened with immediate arrest, detention and prosecution for merely speaking about self-determination again.

In addition, the eventual law upon which the members of HSGF, including Mr. Nyakpo, are being prosecuted is in no way narrowly-tailored to meet the requirements of international human rights law. The Prohibited Organizations Act provides a blanket ban on any exercise of fundamental freedoms related to “Western Togoland”. In doing so, it cannot be said to be necessary or proportionate to meet a legitimate aim. To the contrary, the overweening use of this law against an organization such as the HSGF and the more general attempts by the government of Ghana to silence the organization is both disproportionate, targeting all exercise of rights and freedoms, and wildly ineffective, in that it is helping create space for more radical and dangerous elements to operate in Ghana such as the Western Togoland Restoration Front.

18 See Committee on the Elimination of Racial Discrimination, General Recommendation 21, The right to self-determination (Forty-eighth session, 1996), General Comment 21, U.N. Doc. HRI/GEN/1/Rev.6 at 209.

19 A/HRC/WGAD/2019/6, para. 109.

20 CCPR/C/GC/34, para. 23.

21 CCPR/C/GC/34, para. 30.

(iii) Mr. Nyakpo's right to a fair trial have been violated

Article 9(3) of the ICCPR provides that “anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.”

As previously held by the WGAD, “the provisions of Article 9(3) of the Covenant can be summarized as follows: any detention should be exceptional and short-term; the accused person should be released if there are measures in place to guarantee that he or she will appear for trial and for execution of the judgment; and if the period of pretrial detention is prolonged, the presumption in favour of bail should preferably be applied.”²²

Nothing in the record indicates that these principles have been followed in any way. The law of Ghana enshrines the need for reasons for arrest to be provided to the court within 48 hours and the presumption in favor of bail. It requires the establishment of a bond for release in short order, and regular review of any detention where such a bond cannot be executed. Yet the reasons for his arrest were not provided for eight days. Hearings on his detention were adjourned for 56 days merely pending the filing of a charge sheet and statement of claim against him. And Mr. Nyakpo needed to wait 156 days just to have a hearing on his application for bail.

Ultimately, Mr. Nyakpo was held for significantly longer than necessary, including for two months after the indictment was filed, at which point, in light of the charges faced, there could have been no possible justification for his continued detention. And his release was made conditional restricting him from exercising his basic rights to speech, assembly and association.

(iv) Mr. Nyakpo's was deprived of his liberty based on a discriminatory law.

As discussed above, the basis on which Mr. Nyakpo has been deprived of his liberty is a discriminatory law. That law restricts the right to opinion, speech, assembly and association only for the people of the Volta Region of Ghana. No other people in Ghana are subject to a similar restriction. As befits a law enacted by decree by a short-lived, highly repressive military junta, the law itself has not been used since Ghana's transition to democracy in 1992, including throughout the history of the HSGF, which was founded and has been openly pursuing its goals since 1994. Its use today provides a dangerous precedent, establishing the grounds upon which all people in the Volta Region of Ghana can have the rights and freedoms guaranteed to all Ghanaians restricted.

VI. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities.

As discussed above, George Nyakpo's lawyers tried to challenge his detention on numerous occasions. In Mr. Nyakpo's case and in many others in the Volta Region, the prosecution has taken steps to prevent a court from ruling on the legality of arrests. This prevents Mr. Nyakpo and others similarly situated from challenging the actions of the authorities and has allowed a situation where the criminal procedure law of Ghana can be manipulated and used to silence protected thought.

²² A/HRC/WGAD/2019/6, para. 129.

Annex A: The Republic v. George Kwabla Nyakpo, "Statement of Offence", In the District court Kaneshie, Accra, 22 July 2021.

EXH 'A'

IN THE DISTRICT COURT KANESHIE, ACCRA

COURT CASE NO. *20/16/21*

THE REPUBLIC

VRS

GEORGE KWABLA NYAKPO

STATEMENT OF OFFENCE

TREASON FELONY: CONTRARY TO SECTION 182 (B) OF THE CRIMINAL OFFENCES ACT 1960, (ACT 29)

PARTICULARS OF OFFENCE

GEORGE KWABLA NYAKPO, on or before 25 September, 2020, at the Volta Region, you prepared to carry out by unlawful means an enterprise to usurp the executive powers of the Republic.

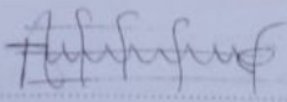
COUNT 2

STATEMENT OF OFFENCE

PARTICIPATING IN A CAMPAIGN OF A PROHIBITED ORGANIZATION 2(1)(d) OF THE PROHIBITED ORGANIZATION ACT, 1976 (SMCD 20)

PARTICULARS OF OFFENCE

GEORGE KWABLA NYAKPO, on or before 25 September, 2020 in the Volta Region did participate in the campaign and activities of a prohibited organization namely, Western Togoland Organization.


.....
INSPECTOR RICHARD AMOAH

Dated at Legal & Prosecution unit, CID head quarters, Accra this 22nd day of July, 2021.

Annex B: "Affidavit in Support", In the Superior Court of Judicature in the High Court of Ghana (General Jurisdiction) Accra-AD 2021, 13 August 2021.

14. That I have been made aware that there is the need for me to receive full medical treatment at a hospital of my choice in order to get treated.

15. That being in custody, I have to obtain bail in order to get treated.


16. That I undertake to appear before Court anytime the case is called for investigation.

17. That I also undertake not to do anything by way of interference with the investigation.

18. That I will be within jurisdiction and attend Court at all times.

19. That I need to be in a good health for the trial.


20. Wherefore I support this application by my Counsel, praying for bail pending trial.


 GEORGE KOBLA NYAKPO
 DEPOSENT

DATED AT ACCRA THIS 13th DAY OF August 2021

THE REGISTRAR
 HIGH COURT
 GENERAL JURISDICTION
 ACCRA

BEFORE ME.


 DANIEL KEMASIG ALAGO
 JUDGE
 CLERK OF COURTS
 CLERK OF THE PEACE
 CLERK OF THE DISTRICT MAGISTRATE COURT
 TEL: 0277780004
 0248352016
 AND COPIES TO BE SERVED ON THE ATTORNEY GENERALS
 DEPARTMENT ACCRA AND ALSO ON THE POLICE
 PROSECUTOR/NATIONAL SECURITY SERVICE-ACCRA

Filed on 13/08/2021

IN THE SUPERIOR COURT OF JUDICATURE
 IN THE HIGH COURT OF GHANA
 (GENERAL JURISDICTION)
 ACCRA-AD 2021

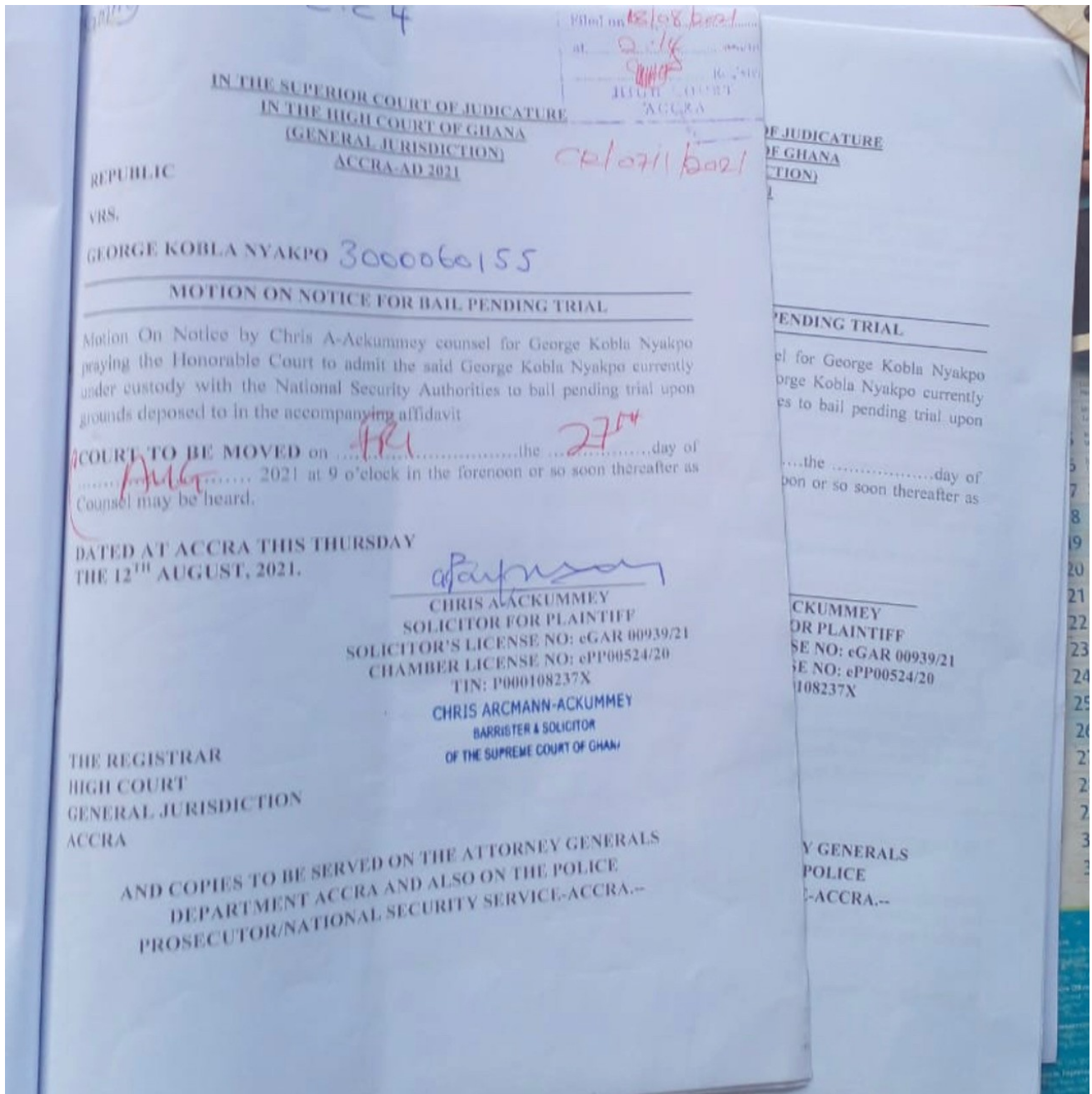
REPUBLIC
 VRS.
 GEORGE KOBLA NYAKPO

AFFIDAVIT IN SUPPORT

1. George Kobla Nyakpo, a teacher by profession of Ideal Colleges-Ho in the Volta Region of the Republic of Ghana do swear an oath and do say as follows:

1. That I am the deponent herein.
2. That currently I am in the custody of the National Security Services in Accra.
3. That I was arrested on the 14th day of July at Ho and brought down to Accra on same day.
4. That my arrest was said to be based on my membership of an alleged banned organization by name Western Togoland Restoration.
5. That the said Western Togoland Restoration Front has been alleged to be carrying out secessionist and treasonable activities and for that reason I was arrested as a member of the said group.
6. That I vehemently deny been a member of such group.
7. That I made it known to the Security Services that I belong to the Homeland Study group which is a research group in to the study of how Western Togoland become part of Ghana.
8. That the Homeland Study Group is purely an academic group and has nothing to do with any secessionist or treasonable activities.
9. That since my arrest, I have been arranged before the District Magistrate Court at Kaneshtie twice the last been Thursday the 12th day of August, 2021.
10. That today, I learnt the learned judge was unwell and the matter adjourned to 1st September, 2021.
11. That I have been unwell since my arrest and under the custody of the Security Service.
12. That I was taken to a clinic and the laboratory investigation revealed that I was suffering from typhoid fever.
13. That even though given some medication, I still feel unwell.

Annex C: "Motion on Notice for Bail Pending Trial", In the Superior Court of Judicature in the High Court of Ghana (General Jurisdiction), Accra-AD 2021, 12 August 2021



Annex D: The Republic v. Charles Kwame Kudzordzi and others, "Charge Sheet" and "Brief facts", In the Circuit Court of Justice, Ho – A.D. 2021, 8 September 2021

Filed on 08-09-2021
 at 02:21 am/pm
Repisra

CHARGE SHEET

IN THE CIRCUIT COURT OF JUSTICE,
HO – A - D - 2021

02/05/2022

- THE REPUBLIC
 VRS:
1. CHARLES KWAME KUDZORDZI
 2. PETER GODSFRIEND EDEM
 3. MKPT TORNYUI KUDJO
 4. KOFI AGBEKO
 5. AGBENYIGAH AKUDZI
 6. IBRAHIM TOFA
 7. EUPHEMIA AGBORGBORTSI
 8. STEPHEN ARKU
 9. GEORGE KORBILA NYAKPO

STATEMENT OF OFFENCE

Prohibited organization contrary to section 1 and 2 of prohibited organization decree 1976 (SMCD 20)

PARTICULARS OF OFFENCE

CHARLES KWAME KUDZORDZI, AGED 81, PETER GODSFRIEND EDEM, AGED 48, MKPT TORNYUI KUDJO, AGED 61, KOFI AGBEKO, AGED 32, AGBENYIGAH AKUDZI, AGED 54, IBRAHIM TOFA, EUPHEMIA AGBORGBORTSI, AGED 61, STEPHEN ARKU AGED 66, GEORGE KORBILA NYAKPO AGED 54; for that you on 16th November, 2019 at Ho, in the Volta Circuit and within the jurisdiction of this Court, and then being members of Homeland Study Group Foundation a prohibited group, did unlawfully declare Volta Region as a Sovereign State under the name "Western Togoland" from the Republic of Ghana

DATED AT THE OFFICE OF THE ATTORNEY GENERAL, HO

THIS 8th DAY OF SEPTEMBER, 2021


 MOSES ASAMPON
 SENIOR STATE ATTORNEY
 PROSECUTOR

THE REGISTRAR
 CIRCUIT COURT
 HO

AND TO
 THE ACCUSED PERSONS, OR THEIR LAWYER ATSU TOM PAING AKABA, AKABA
 LAW, CONSULT, ACCRA

IN THE CIRCUIT COURT OF JUSTICE,
HO – A - D - 2021

Filed on 08-09-2021
 at 02:21 am/pm
Repisra

THE REPUBLIC
 VRS:

1. CHARLES KWAME KUDZORDZI
2. PETER GODSFRIEND EDEM
3. MKPT TORNYUI KUDJO
4. KOFI AGBEKO
5. AGBENYIGAH AKUDZI
6. IBRAHIM TOFA
7. EUPHEMIA AGBORGBORTSI
8. STEPHEN ARKU
9. GEORGE KORBILA NYAKPO

THE BRIEF FACTS

On 16th November, 2019 at about 11am, the Accused persons together with RICHARD AGBEKO (at large) and COACH MAWUKO EKPOH (at large) who are all members of a group known as Homeland Study Group Foundation, held a special event at Moleme, Ho, to declare Volta Region an Independent State. The Accused persons organized and addressed a gathering of about 100 people. In the address the leader of the group(A1) declared the Volta Region an Independent State which seceded from the Republic of Ghana from midnight of 16th November, 2019, under the name WESTERN TOGOLAND. A2 was the Master of Ceremony (MC) at the event and chairman of Ho branch. Richard Agbeku and A9 are the organizer and PRO respectively. A3, A4 and A5 helped in the organization of the event leading to the declaration of the independence. A6 is the Imam of the group and always offers prayers during their meetings. A7 is the women organizer of the group at Wli Agorvide branch and was present at the declaration. A8 and COACH MAWUKO EKPOH (at large) are part of the leaders of the group and were all present at the event. The Accused persons have been involved in several activities to secede part of the territories of Ghana and have been put on police surveillance since 2017. The Accused persons since 2017, have had series of meetings at A2's church premises to carry out their unlawful activities, after the declaration of independence by A1 which has been the main aim of the group, the Accused persons and their accomplices at large went into jubilation and later dispersed. Soon after, videos of the event and a declaration meeting went viral on social media. Police intelligence led to the arrest of A2, A3, A4, A5, A6, A7 and A8 and were remanded into prisons custody by the District Court 1, Ho. A1 and A9 who had absconded were recently arrested.

Annex E: "Supplementary Affidavit in Support", In the Superior Court of Judicature in the High Court of Ghana (General Jurisdiction) Accra-AD 2021, 6 October 2021.

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF GHANA,
(GENERAL JURISDICTION)
ACCRA-AD 2021

FILED on 06-10-2021
H.S. [Signature]
HIGH COURT OF GHANA
SUITS NO: CV077/2021
feel 11/10/21

REPUBLIC
VRS.
GEORGE KOBLA NYAKPO 3000060155

SUPPLEMENTARY AFFIDAVIT IN SUPPORT

I, ALEX ASAMOAH of BCMS Consulting Ltd., 11 Afrokwei Street, Off Royalt Castle Road, Kokomlemle, Accra in the Greater Accra Region of the Republic of Ghana do make oath and say as follows:

1. That I am the Deponent herein.
2. That I am a Clerk in the firm which Lawyer Chris A-Ackumey belongs, and who is the Solicitor mandated to handle the matter between the Republic Vrs. George Kobla Nyapko.
3. That I have the consent of the Accused Person and Lawyer Chris A-Ackumey to swear to facts in the affidavit, the facts which are within my personal knowledge and belief.
4. That an Application For Bail was filed on behalf of the Accused person on 13th August, 2021 at the High Court Accra.
5. That at the hearing on Friday, 27th August, the Judge drew the attention of the Solicitor for the Accused Person to the absence of Charge Sheet and Facts of the Case and the matter was adjourned subsequently.
6. That this matter came up for hearing on two other occasions and was adjourned because of absence of the required Charge Sheets and Facts of the Case.

7. That it was difficult obtaining the Charge Sheets and Facts of the Case which the Solicitor eventually obtained from the District Magistrate Court Kaneshie, Accra – hereby *Attached and Marked Exh. "A1"* and also another Charge Sheet and Facts of the case from the High Court Ho, where the Accused Person is standing trial on same charges and facts hereby *attached and marked Exh. "A2"*.
8. That I have instructions therefore to swear to this Affidavit in respect of the two (2) Charge Sheets and Facts of the Case accordingly.
9. That the Accused Person is also presently facing trial at the Ho High Court and as such is being tried on same charges at two (2) different Courts which act the justice system frowns upon.
10. That the Solicitor shall refer to all processes filed in moving the motion for bail pending trial.
11. That it sins against the justice system for same person to be tried on same charges and facts in two different Courts.

Wherefore, I swear to this supplementary affidavit in support accordingly.

[Signature]
ALEX ASAMOAH
DEPONENT

SWORN AT ACCRA
THIS 6th DAY OF OCTOBER, 2021

BEFORE ME
MAHPIEEL-LEKPA
COMMISSIONER FOR OATHS
TEL: 030277180004

AND COPY TO THE ATTORNEY GENERAL – ACCRA AND THE PROSECUTING OFFICERS – GHANA POLICE SERVICE – ACCRA