



**Report of Investigation into Alleged
Attempted Bribery of a Section of the
Majority Caucus of Parliament**

28 December 2023



1.0 Introduction

- 1.1 The Office of the Special Prosecutor (OSP) presents this report on an investigation into alleged attempted bribery of the majority caucus of the Parliament of Ghana. The report has been heavily redacted to safeguard national security and to protect the privacy of persons investigated and interviewed.
- 1.2 This report is founded on regulation 31(1)(g) of the Office of the Special Prosecutor (Operations) Regulations, 2018 (L.I. 2374), which mandates the OSP to publish detected acts of corruption through the receipt, collection, or collation of reports, documents, materials, complaints, allegations, information and intelligence.

2.0 The Majority Caucus

- 2.1 The majority caucus of the eighth Parliament of the Fourth Republic comprises one hundred and thirty-seven (137) Members of Parliament of the governing New Patriotic Party (NPP) and one (1) independent Member of Parliament.

3.0 The Complaint

- 3.1 By a complaint dated 3 November 2022, a pressure group, OccupyGhana petitioned the OSP to investigate allegations of attempted bribery of the majority caucus of Parliament by a wealthy businessman.
- 3.2 OccupyGhana stated that it had followed media reports from interviews by Joy 99.7 FM (a radio station operating from Accra) with the Member of Parliament for Suame Constituency in the Ashanti Region and Majority Leader and Minister for Parliamentary Affairs, Mr. Osei Kyei-Mensah-Bonsu and the Member of Parliament for Asante Akyem North Constituency in the Ashanti Region, Mr. Andy Kwame Appiah-Kubi – in which the two Members of Parliament alleged that an unnamed, wealthy businessman had attempted to bribe a section of the majority caucus of Parliament.
- 3.3 In the estimation of OccuyGhana, if the allegation of attempted bribery is established, it would amount to an attempt to influence the conduct of Members of Parliament in the course of their official duties. Consequently, OccuyGhana requested the OSP to investigate the affair and to proceed to prosecute, if established.



4.0 Investigation

- 4.1 The Special Prosecutor, upon determining that allegations of bribery are within the mandate of the OSP, authorised the commencement of preliminary investigation into the matter in accordance with regulation 5(1)(b) and subsequently, a full investigation under regulations 5(1)(c) and 6 of the Office of the Special Prosecutor (Operations) Regulations, 2018 (L.I. 2374).
- 4.2 The investigation was conducted with the assistance and facilitation of the Office of the Rt. Hon. Speaker of Parliament. The investigation was undertaken with as little intrusion into the privacy of persons as the circumstances permitted.
- 4.3 The investigation spanned a period of eight (8) months. The identities of persons are disclosed where necessary.
- 4.4 The investigation showed that *circa* September 2022, eighty (80) Members of Parliament of the NPP publicly called for the resignation or removal of the Minister for Finance, Mr. Kenneth Nana Yaw Ofori-Atta over complaints of his inability to properly manage the economy of Ghana. The apparent spokesperson of the group of eighty was Mr. Appiah-Kubi.
- 4.5 Mr. Kyei-Mensah-Bonsu and Mr. Appiah-Kubi granted interviews on Joy 99.7 FM, a radio station operating from Accra, on developments in respect of the demand for the resignation or removal of Mr. Ofori-Atta. The interviews were widely circulated on other media portals, including audio-visual renditions on television on Joy Prime and Joy News.
- 4.6 Mr. Appiah-Kubi's interview was first in time. He stated outrightly that a certain well-known wealthy Ghanaian businessman visited Parliament House on 1 October 2022 and requested a meeting with a section of NPP Members of Parliament. He stated that at the meeting the well-known wealthy businessman offered them huge sums of money in envelopes with the intention of influencing them to rescind their demand for the resignation or removal of Mr. Ofori-Atta. He further stated that the Members of Parliament stood their ground and rejected the offer of money. Mr. Appiah-Kubi did not disclose the identity of the well-known wealthy businessman during the interview.
- 4.7 Mr. Appiah-Kubi admitted granting an interview on Joy FM in which he claimed that a certain well-known wealthy Ghanaian businessman visited Parliament House on 1 October 2022 and requested a meeting with a section of NPP Members of Parliament and that the businessman in question had attempted to bribe them. However, he declined to watch the audio-visual rendition of his



interview on Joy FM. The interview was replayed to him anyway. Thereafter, he effectively invoked his right to remain silent. He refused to disclose the identities of the Members of Parliament present at the meeting with the undisclosed businessman. He refused to disclose the identity of the wealthy businessman. He refused to disclose the amount of money offered by the undisclosed businessman. He refused to answer all other questions posed to him.

- 4.8 Mr. Appiah-Kubi showed open hostility to the authorised officers of the OSP and he was unyielding in his resolve not to cooperate with the investigation. Indeed, he flatly refused to cooperate with the OSP, though he had stated that he would fully cooperate with the investigation, and though he declared to the media subsequent to the OSP's interview that he fully cooperated with the OSP.
- 4.9 Mr. Kyei-Mensah-Bonsu denied direct knowledge of the matter. He denied knowledge of the undisclosed wealthy businessman and the amount of money he allegedly offered to the indicated section of Members of Parliament. He stated that his limited knowledge of the matter was based largely on rumours and the interview granted by Mr. Appiah-Kubi on Joy FM.
- 4.10 The OSP enhanced the investigation and intelligence gathering through confidential sources and the examination of attendance of persons at Parliament House *circa* 1 October 2022. The enhanced investigation pointed seemingly irresistibly to Mr. [REDACTED], a well-known wealthy Ghanaian businessman. The OSP located Mr. [REDACTED] and brought him in for interviewing. Mr. [REDACTED] prevaricated on whether he attended Parliament House *circa* 1 October 2022. He denied ever meeting a section of Members of Parliament and offering them money to abort their demand for the resignation or removal of Mr. Ofori-Atta. However, it was established that he frequently attends Parliament House.

5.0 Observations

- 5.1 It appears from the OSP's gathered intelligence that a wealthy businessman did in fact attempt to offer money to a section of the majority caucus of Parliament with the intention of influencing their demand for the resignation or removal of Mr. Ofori-Atta as Minister for Finance. It also appears that the monetary offer was rejected by the contacted Members of Parliament.
- 5.2 The OSP is almost convinced that Mr. [REDACTED] is the businessman who attempted to offer to a section of the majority caucus of



Parliament with the intention of influencing their demand for the resignation or removal of Mr. Ofori-Atta as Minister for Finance.

- 5.3 It appears to the OSP that Mr. Appiah-Kubi is the accuser and the vital key to resolving the case. On the other hand, Mr. Kyei-Mensah-Bonsu appears to be of limited utility in this regard since he is in no different a position from that of any person who was not contacted by the wealthy businessman.
- 5.4 It seems to the OSP that the responses by Mr. Appiah-Kubi and Mr. [REDACTED] appear to be rehearsed and well-choreographed to produce a joint and similar denial of the events so vividly captured by Mr. Appiah-Kubi in his interview with Joy FM.
- 5.5 The circumstances of the case are such that the cooperation and testimony of the accuser of the well-known wealthy businessman are essential to a successful prosecution. That is to say, in the context of this case, the gathered intelligence of the OSP and its investigation of the activities of its identified suspect, Mr. [REDACTED], are not sufficient to sustain criminal charges. The institution of criminal proceedings would of necessity require the input and testimony of the accuser. This is because, the meeting occurred between the accuser and his undisclosed colleagues and the suspect and whatever transpired therein is known only to the accuser and his undisclosed colleagues and the suspect. The events must be recounted by the attendees of the meeting if criminal charges are to be sustained. This is even more so as, naturally, it appears there is no record of the meeting.
- 5.6 We are not unmindful that the OSP can compel the accuser to testify as a witness, by way of a subpoena, should criminal proceedings be instituted against the identified suspect. However, there will not be much to confront the accuser with in aid of compelling or leading him to confirm the actual identity of the wealthy businessman and the amount of money offered by the latter – except his bare interview on Joy FM and the gathered intelligence of the OSP that the identified suspect attended Parliament House *circa* 1 October 2022 with no particular business except to meet with a section of the majority caucus. Without the cooperation of the accuser, that would not pass muster in respect of the requisite standard of establishing guilt, which is proof beyond reasonable doubt.
- 5.7 Consequently, notwithstanding the OSP's almost conviction that a certain well-known wealthy Ghanaian businessman visited Parliament House *circa* 1 October 2022 and requested a meeting with a section of NPP Members of Parliament and that the businessman in question had attempted to offer them money to influence their demand for the resignation or removal of Mr. Ofori-Atta, and



that Mr. [REDACTED] is the businessman in question – the rehearsed and choreographed refusal to cooperate and continued refusal to cooperate by the accuser and vital key, Mr. Appiah-Kubi, produce the very unhappy result that there is not enough probative evidence (direct or circumstantial) to sustain the institution of criminal proceedings against the OSP’s identified suspect.

5.8 Mr. Appiah-Kubi’s refusal to cooperate with the investigation and his refusal to disclose the identity of the suspect are most regrettable. It is quite perplexing for a Member of Parliament to level accusations of attempted bribery on a person (whether certain or uncertain) in a most spectacular and public manner on a network of a major media house and then stage a bizarre volte-face by refusing to cooperate with the investigation and refusing to disclose and/or confirm the identity of the suspect.

6.0 Further Action

6.1 On that reckoning, the Special Prosecutor directs the closure of the investigation in respect of allegations that a well-known and wealthy businessman attempted to bribe a section of the majority caucus of Parliament. The Special Prosecutor determines that the institution of criminal proceedings, at this time, against the OSP’s identified suspect would serve no useful purpose.

6.2 The investigation may be re-opened should the circumstances and further facts so dictate.

7.0 Commendation

7.1 The OSP commends the Rt. Hon. Speaker of Parliament, Alban Sumana Kingsford Bagbin and his Office, especially the Legal Counsel for their assistance and facilitation of the investigation.

7.2 The OSP also commends the public spiritedness of the pressure group, OccupyGhana.



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