

**Ecam Law Consult**  
Legal Practitioners, Consultants & Notaries Public



3<sup>rd</sup> July, 2018

THE ATTORNEY GENERAL,  
MINISTRY OF JUSTICE &  
ATTORNEY GENERAL,  
MINISTRIES, ACCRA

Received by: *Gifty A.* on 5/7/18 0302665051

Dear Madam,

**RE: RECOMMENDATION BY THE CHIEF JUSTICE'S COMMITTEE THAT "... KWAKU OWUSU AGYEI-LARBI BE MADE TO PAY TO THE ELECTORAL COMMISSION THE AMOUNT OF GHC 360,000..."**

We act for and on behalf of Mr. Kwaku Owusu Agyei-Larbi in this matter.

We write to you on the above subject matter at the instance of our client who wishes to make certain clarifications and to demand swift action on some related matters. Our client is an accountant by profession and is the Chief Accountant of the Electoral Commission (EC) of Ghana but has been on leave for about twelve months now at the instance of the Economic & Organized Crime Office (EOCO).

Our client's attention has been drawn to a recommendation made in respect of him by the Chief Justice's Committee tasked to investigate the Petitions against the Chairperson of the Electoral Commission and her two deputies (herein after referred to as "the Committee").

Our Client states that he has read a widely published Press Statement by the Minister for Information, Hon. Mustapha Abdul-Hamid (Ph.D) titled "President Akufo-Addo's implementation of Recommendations of Chief Justice's Committee set up to look into petitions against Mrs. Charlotte Osei and her two deputies" delivered on Friday the 29<sup>th</sup> day of June, 2018 in which the Hon. Minister attributed a recommendation to the Committee.

A part of the said press statement stated; "The Committee also recommended that the Chief Accountant, Kwaku Owusu Agyei-Larbi be made to pay to the Commission the amount of GHC 360, 000 which he claimed was still in his custody for safe keeping, failing which he be charged with the offence of stealing".

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We have also cited a copy of the certified copy of the report of the committee titled;

"IN THE MATTER OF A PETITION BROUGHT UNDER ARTICLE 146 OF THE 1992 CONSTITUTION FOR THE IMPEACHMENT OF MR. AMADU SULLEY, DEPUTY COMMISSIONER OF THE ELECTORAL COMMISSION OF GHANA

EMMANUEL KORSI SENYO

...

PETITIONER

VRS

AMADU SULLEY

...

RESPONDENT"

On page 34 of the said report, states; "The committee further recommends that Mr. Kwaku Owusu Agyei-Larbi the chief accountant be made to pay to the Commission the amount of GHC 360,000.00 he admitted had been in his custody in his office since 2016. If he is not able to pay the said amount to the EC we recommend that he is charged with stealing."

Based on the above quoted recommendations of the committee and the press statement on H.E. The President's implementation of the recommendations, our client wishes to state the following;

1. When our client was subpoenaed to testify before the committee a few months ago, he stated in paragraph 13 of his witness statement that "sometime in 2016, Daniel Amenyor (the Assistant Director, Electoral Service) brought in a second tranche of money amounting to about GHC 360, 000 and this amount was received at the office. The said amount was still in custody at our offices as at the time I was asked to proceed on leave in July 2017." Attached hereto and marked "A" is a copy of the witness statement filed by our client before the committee.
2. Our client wishes to state categorically that the amount of money was only brought into his office for safe keeping by the Assistant Director of Electoral Services because it is only our client's office that has a secured safe at the Commission. The disbursement or purpose of the funds are solely known to the said Assistant Director of Electoral Services.
3. Our client has continually stated that if EOCO were to revoke its directive that he should proceeded on leave, our client was ready and very willing to go back into his office and make the said amount of money deposited in his care available to the commission. Attached hereto and marked exhibits "B1" and "B2" respectively are copies of the letters from EOCO to the Electoral Commission dated 4<sup>th</sup> July ,2017 and the letter signed by the

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then Chairperson of the Electoral Commission directing our client to proceed on leave dated the 5<sup>th</sup> of July, 2017.

4. The letters marked **B1** and **B2** stated categorically that the reason for asking our client to proceed on leave since July, 2017 was to allow EOCO to investigate "the loss of GHC 480, 000 from the Staff Endowment Fund". However, after EOCO concluded its investigations and submitted its interim report to the Attorney General, which report exonerates our client of any wrong doing, EOCO failed to revise its directive to the Electoral Commission or ask the Commission to recall our client from leave.
5. The much-publicized interim report of EOCO found (as has always been our client's submission) that all dealings with the Endowment fund had been completed by our client's predecessor in office long before our client took office as the Chief Accountant of the Commission. It was therefore unfortunate that after EOCO's findings were made known to your office (the Attorney General) and the Electoral Commission, no step was taken to reverse the directive asking our client to proceed on leave. Indeed, even the Committee's own findings on the issue of Endowment Fund does not implicate our client in anyway whatsoever.
6. Several Petitions by our client to EOCO and the Commission Chairperson to recall our client from leave have proved futile till date. Attached hereto and marked "**C**" is copy of letters written on behalf of our client demanding his recall from the leave.
7. It is the submission of our client that, if he had not been on this protracted leave, the funds (being GHC 360,000) which was being kept in his custody would have been made available to the Electoral Commission long ago.
8. Our client also wishes to put on record that the amount of GHC 360, 000 is not the only funds being held by him in custody for safe keeping. Indeed, as stated by our client in his witness statement, the amount of GHC 360, 000 was actually the second tranche of funds brought to him by the same Assistant Director of Electoral Services. The first tranche of funds brought to our client for safe keeping was an amount of GHC 4, 199, 340.
9. After disbursing GHC 4, 126, 910 to Regional Directors based on the instructions of Director of Electoral Services and the Director of Finance of the Commission, our client retained the remaining balance of GHC 72, 430 for safe keeping awaiting further instructions. **Thus, in addition to the GHC 360, 000 that the Committee recommends that our client pays to the Commission, our client also holds an amount of GHC 72, 430 which he wishes to make available to the commission.** That if not for the fact that our client has been on a protracted leave, he would have made all these funds available to

the commission because his only instructions were to keep the said funds safe until further instructions on disbursement.

10. Our client who has practiced for several years as a hardworking accountant of repute and integrity, therefore finds it very disturbing that the Committee recommends his prosecution for the offense of stealing, when our client had made it very clear to the committee that he was only asked to keep the funds safe which he was doing until he was asked to proceed on leave and that he was ready to make the funds available to the committee or the commission if allowed to access his office.
11. Our client says that his continuous stay on leave pursuant to the directive from the EOCO is meaningless under the current circumstances.

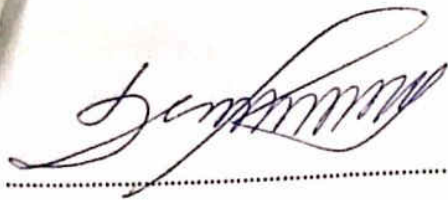
Under the circumstances our client wishes to make the following demands;

- I. That the directives of the Electoral Commission and EOCO asking him to proceed on leave be revoked or vacated and our client recalled resuming his lawful duties at the Electoral Commission Offices.
- II. That protection be provided to our client while he resumes work at his office and to retrieve the cash of GHC 360, 000 and the sums of GHC 72, 430 for onward deposit into a designated account of the Electoral Commission.
- III. That a receipt is properly issued to our client after payment of the funds into the designated account of the Electoral Commission.
- IV. That a press statement is issued confirming to the general public, the receipt of the funds by the Commission or government as the case may be.
- V. That between this time and the time of our client resumes work at the Commission, his office is protected, kept under surveillance since by this letter, the location of the funds being kept by our client is revealed.

We trust that this letter finds you well and will be acted on as swiftly as possible. Most grateful.

DATED IN ACCRA THIS 3<sup>RD</sup> DAY OF JULY, 2018 AT ECAM LAW CONSULT,  
3RD FLOOR, COCOSHE BUILDING (OPPOSITE SILVER STAR TOWERS) AIRPORT RESIDENTIAL  
AREA, ACCRA.

Page 4 of 5



JERRY JOHN K. ASIEDU, ESQ.

(Practicing License No. GAR 15392/18)

(Chamber License No. PP 000 4339/ 18)

(TEL : 0248 2222 75 / 050 7040 991)




Cc:

1. H. E. THE PRESIDENT,  
REPUBLIC OF GHANA,  
OFFICE OF THE PRESIDENT  
JUBELEE HOUSE, ACCRA
2. THE HON. MINISTER  
MINISTRY OF INFORMATION,  
MINISTRIES, ACCRA
3. THE BOARD CHAIR,  
EOCO, ACCRA
4. THE EXECUTIVE DIRECTOR  
EOCO, ACCRA
5. ALL COMMISSIONERS,  
THE ELECTORAL COMMISSION  
RIDGE, ACCRA
6. THE DIRECTOR,  
HUMAN RESOURCES  
ELECTORAL COMMISSION  
RIDGE, ACCRA



MINISTRY OF INFORMATION  
P. O. BOX 41  
ACCRA



ELECTORAL COMMISSION  
P. O. BOX M 214  
ACCRA

Page 5 of 5

IN THE MATTER OF A PETITION BROUGHT UNDER ARTICLE 146 OF THE  
1992 CONSTITUTION FOR THE IMPEACHMENT OF AMADU SULLEY, DEPUTY  
CHAIRPERSON OF THE ELECTORAL COMMISSION OF GHANA  
ACCRA-A.D. 2018

SUIT NO.....

EMMANUEL KORSI SENYO }  
VRS  
AMADU SULLEY }

PETITIONER  
RESPONDENT

---

WITNESS STATEMENT OF KWAKU OWUSU AGYEI-LARBI

---

1. My name is **KWAKU OWUSUAGYEI-LARBI** and I live at Manhean in the Ga West Municipality.
2. I have been the Chief Accountant of the Electoral Commission since July 2014 until July 4<sup>th</sup>, 2017 when I was asked to proceed on leave, pending an investigation by EOCO into the Electoral Commission Endowment Fund.
3. On 19<sup>th</sup> February 2018, I was served with subpoena (General form) to appear before this Honorable Committee.
4. I am also informed that the subpoena commanding me to appear to testify before this Honourable Committee was issued at the instance of the Petitioner herein.
5. I am testifying truthfully on matters relating to my role as the Chief Accountant of the Electoral Commission in relation to the instant matter.
6. That I know the Respondent as a Deputy Chairperson of the Electoral Commission in charge of Operations.
7. That as the Chief Accountant of the Electoral Commission, my job description includes supervision of the day to day administration of the accounts section, directing and coordinating the activities of the accounts officers, advising on all accounting matters. I am also a signatory to all of the Commission's bank accounts. I also make inputs into the preparation of the Commission's annual budget, preparation of monthly & annual financial reports, provision of secure custody of

the Commission funds and overseeing the disbursement of moneys from the Commission's bank accounts, among many others

8. I am aware that Political Parties through their various leaders engage the Commission to conduct and supervise internal elections of those Political Parties including their Presidential Primaries.
9. I am also aware that all the logistics regarding the political party's primaries (internal elections) are under the direction and supervision of the Electoral Services Department of the Commission.
10. That sometime in December 2015, an amount of GHC4,199,340.00 was reportedly collected from the NDC for its Presidential primaries and brought into my office for safe keeping by Daniel Amenyor (the Assistant Director, Electoral Services) in the company of Edgar Mensah Gyawu (Accounts) and Franscisca Sarfo (Electoral Services).
11. Subsequently, a memo for disbursement to the regions was raised by the Director, Electoral Services and approved by the Director of Finance for disbursement.
12. The monies were disbursed accordingly to the Regional Directors for payment of allowances to the field officials who conducted the elections.
13. That also sometime in 2016, Daniel Amenyor (the Assistant Director, Electoral Services) brought in a second tranche of money amounting to about GHC360.000 and this amount was received at the office. The said amount was still in custody at our offices as at the time I was asked to proceed on leave in July, 2017.
14. That I am constrained by the fact that I have been on leave since July, 2017 and therefore I am unable to confirm exact figures from available official records which may be in my office and also I am unable to produce any other relevant official document before this Honourable Committee.

#### **STATEMENT OF TRUTH**

**I, KWAKU OWUSU AGYEI-LARBI**, certify that the statements contained in this statement are true to the best of my knowledge and belief.

**DATED AT ACCRA THIS 1<sup>ST</sup> DAY OF MARCH, 2018.**

u A i

IN THE MATTER OF A PETITION BROUGHT UNDER ARTICLE 146 OF THE  
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CHAIRPERSON OF THE ELECTORAL COMMISSION OF GHANA  
ACCRA-A.D. 2018

EMMANUEL KORSI SENYO	}	SUIT NO.....
VRS		PETITIONER
AMADU SULLEY	}	RESPONDENT

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**DATED AT ACCRA THIS 1<sup>ST</sup> DAY OF MARCH, 2018.**

*Kwaku Owusu Agyei-Larbi*  
KWAKU OWUSU AGYEI-LARBI

THE SECRETARY  
THE COMMITTEE  
JUDICIAL SERVICE OF GHANA  
ACCRA

AND FOR SERVICE ON THE PARTIES OR THEIR LAWYERS



**ECONOMIC AND ORGANISED CRIME OFFICE**

Old Parliament House, High Street  
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Our Ref: EOCC/EO/003/1428/185

Your Ref: .....

CONFIDENTIAL

July 04, 2017.

The Chairperson  
Electoral Commission  
ACCRA

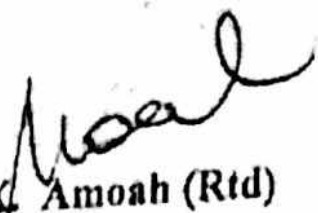
**RE - ENDOWMENT FUND INVESTIGATION**

✓ This Office, Economic and Organised Crime, is investigating the loss of about GH¢ 480,000 from the Endowment Fund at the Electoral Commission.

The following personalities with the Commission, **Georgina Opoku Amankwaah, Deputy Chairperson F&A, Kwaku Owusu Agyei-Larbi, Chief Accountant and Joseph Kwaku Asamoah, Finance Officer** are the suspects who are assisting the investigation.

This Office would be grateful if you would direct the Officers listed above to proceed & leave whilst investigation proceeds.

I count on your cooperation.

  
ACP Mr. K. K. Amoah (Rtd)  
Ag. Executive Director

"B2"



ELECTORAL COMMISSION  
GHANA

5<sup>th</sup> July, 2017

Kwaku Owusu Agyei-Larbi  
Chief Accountant

As you are aware, the Economic & Organised Crime Office (EOCO) is investigating the loss of about GHC480,000.00 from the Staff Endowment Fund. Pursuant to the said investigation, EOCO has requested that I direct you to proceed on leave while the investigation proceeds.

To ensure the integrity of the investigation, during the period of your leave, please be advised that you are not to undertake any business on behalf of the Commission or access any information from the Commission until the investigation is concluded.

By this letter, I am directing you to proceed on leave immediately as of the date of this letter. Kindly forward any pending issues to the Director of Human Resources.

A handwritten signature in cursive script, appearing to read "Charlotte Osei".

CHARLOTTE OSEI (MRS)  
CHAIRPERSON

cc. All Members of the Commission  
Executive Director, EOCO  
Director, Human Resources

*for the people*



W C U  
**KWAME AKUFFO & CO UNLIMITED**

Legal Practitioners & Notary Public

20<sup>th</sup> October 2017

The Chairperson  
Electoral Commission  
Accra.

Capital Place  
11 Patrice Lumumba Road  
Airport- Accra  
P.O. Box OS 3519 Osu-Accra  
Tel: 0303966645  
Cell: 0244284702  
Email: kwame@kbakuffo.com

**ATTENTION: Charlotte Osei (Mrs.)**

Dear Madam,

**RE: MR. KWAKU OWUSU AGYEI- LARBI**

We act for Kwaku Owusu Agyei- Larbi, who was until the 5<sup>th</sup> day of July, 2017 the full time Chief Accountant of the Electoral Commission.

Your unheaded letter dated the 5<sup>th</sup> of July 2017, and addressed to our client has been referred to us with instructions to respond to same. We have taken note of the contents of the letter.

We are instructed to inform you that at all material times our client was not in your employ when the alleged loss occurred in respect of the Staff Endowment Fund.

This is evidenced by your letters dated 16<sup>th</sup> July 2014 and 5<sup>th</sup> February 2016 respectively, and addressed to Mr. Ishmael Pensah (the former acting Head of Accounts). Copies of the said letters are attached for ease of reference. It is abundantly clear from your letter dated the 5<sup>th</sup> of February 2016, that our client had nothing to do with the alleged loss, for you state:

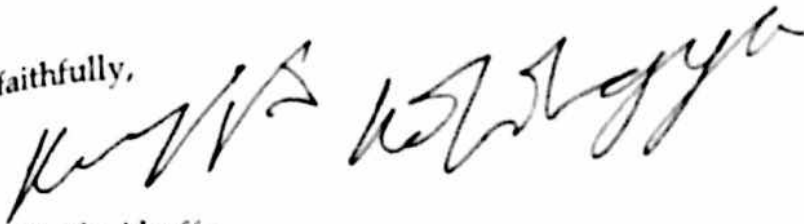
*"Consequently, at the meeting between the Commission and the Staff Union on the 3<sup>rd</sup> February, 2016, it was decided that we request a written response from you on this matter as these events occurred during your tenure as Acting Head of Accounts. We further note that your handing over notes on your retirement did not address this issue."*

Needless to say, our client could not have been involved in matters concerning the alleged loss as he was not in your employ at the material time. Consequently, we are instructed to inform you that it is only fair and just that our client be recalled to resume his lawful duties. Every single day that he stays away from work, as a result of your letter, is a defamatory slur on his reputation and work ethic.

We trust that you will find this letter useful.

Please be advised.

yours faithfully,



Kwame Bofo Akuffo  
KWAME AKUFFO & CO UNLIMITED

cc. All Members of the Commission  
Executive Director, EOCO  
Director, Human Resources

4 C 4  
**KWAME AKUFFO & CO UNLIMITED**  
Legal Practitioners & Notary Public

20<sup>th</sup> October 2017

The Chairperson  
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Accra.

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cc. All Members of the Commission  
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v C u

**KWAME AKUFFO & CO UNLIMITED**  
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