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For Immediate Release

PRESS STATEMENT

Ladies and gentlemen of the media, the People's Alliance for Governance and Accountability (PAGA) has called this press conference because we believe the time has come for our dear nation to confront, with seriousness and without political convenience, the disturbing allegations surrounding the AKSA emergency power agreement.

The matter has assumed renewed urgency because Mr. Asante Kwaku Berko, the former Goldman Sachs banker and former Managing Director of the Tema Oil Refinery, has already been convicted and is awaiting sentencing in the United States, and the fallout from the investigations is dire for our country's image.

BRIEF FACTS

- U.S. prosecutors alleged that Mr. Asante Kwaku Berko and others participated in a scheme to pay more than US\$1 million in bribes to senior Ghanaian government officials to secure approval for the AKSA power plant project between 2014 and 2015.
- A federal jury in Brooklyn, New York has convicted Mr Berko of conspiring to pay and paying more than US\$1 million in bribes in connection with the development and financing of the power plant project.
- U.S. investigators allege that five top Ghanaian officials were taken on an all-expenses-paid trip to Turkey and received US\$5,000 each in connection with the project.
- U.S. prosecutors have also alleged that payments were made to Members of Ghana's Parliament and other government officials.

These allegations date to a period when Ghana was in the grip of the devastating **DUMSOR crisis**, which crippled businesses, disrupted livelihoods and imposed severe hardship on ordinary Ghanaians.

While Ghanaians endured the crisis and made painful sacrifices, public officials entrusted with protecting the public interest were allegedly involved in conducts that served their private interests.



The United States Department of Justice has brought these allegations into the open, but the conviction of Mr. Berko raises a far more uncomfortable question for our country:

If bribes were paid to Ghanaian public officials and Members of the Parliament of Ghana, what is Ghana doing about the alleged recipients? Has the Country outsourced her Criminal Prosecutorial powers to the United States?

THE OSP MUST INVESTIGATE THE GHANAIAN DIMENSION

We call on the Office of the Special Prosecutor to immediately investigate the Ghanaian dimension of the AKSA bribery scandal. The OSP was established precisely to investigate and prosecute corruption and corruption-related offences involving public officials and politically exposed persons, and to recover the proceeds of corruption. This matter falls squarely within that mandate. We therefore see no justification for leaving the matter principally with the Attorney-General when Ghana has a specialized, independent anti-corruption institution with the statutory mandate and investigative powers to pursue it.

The OSP has the legal powers to obtain documents, trace funds, compel financial information, freeze suspected proceeds of corruption and pursue those responsible. More importantly, the OSP has acknowledged providing investigative and evidentiary assistance to the United States through Ghana's mutual legal assistance framework, and the United States Department of Justice has recognized Ghana's assistance in the prosecution. The OSP cannot help investigate the case for the United States and then become a spectator when the Ghanaian dimension comes into view.

The AKSA allegations were not born with the recent United States proceedings. Former Special Prosecutor Martin Amidu had previously, as far back as April 2020, raised concerns about the AKSA Energy transaction. Ghana therefore had reason to act long before a United States conviction brought the matter back into public focus. The United States has investigated, prosecuted and secured a conviction. The question now is what exactly is Ghana doing?

We expect the Special Prosecutor to engage the relevant United States authorities, obtain the available court records and evidence, identify the Ghanaian officials, intermediaries and other persons referred to in the proceedings, trace any payments or benefits and establish precisely what happened on the Ghanaian side of the transaction. Ghana must investigate Ghana's side of the AKSA scandal. There must be no hiding behind American prosecution, no institutional back-passing and no selective accountability. Where the evidence establishes wrongdoing, those responsible must face the full force of the law.

The Ghanaian people endured the devastating consequences of DUMSOR while this transaction was being negotiated and approved. Businesses suffered, livelihoods were disrupted and families bore the cost. Those who allegedly exploited a national crisis for personal gain cannot be allowed to disappear behind the passage of time or the conclusion of a foreign prosecution. The OSP must act. Ghana must know the truth. And where the evidence points to criminal conduct, there must be accountability.

THE CALL ON THE LEADERSHIP OF PARLIAMENT

We also call on the leadership of Parliament to initiate a parliamentary inquiry into the AKSA transaction, which has also tainted the integrity of Parliament.

The allegations include payments made to Members of Parliament. 18 Members of Parliament served on the Mines and Energy Committee during the Third Session of the Sixth Parliament in 2015, the period when the AKSA Emergency Power Agreement was reviewed, approved and duly ratified. That alone should concern Parliament as an institution. Our Parliament should rise to clear its name because its image is under serious scrutiny.

There is now evidence accepted in a United States criminal prosecution that money was paid to some Members of Ghana's Parliament in connection with a transaction that Parliament was constitutionally required to scrutinize and approve. Our legislative body must identify who received it!

Parliament ratified the relevant power agreement. The public therefore deserves to know what information was put before Parliament at the time, who participated in the approval process, whether any Member of Parliament received money or benefits in any form connected to the transaction, and whether any person used his or her public office to influence the approval.

This **MUST** not be a partisan inquiry. We call on the leadership of Parliament to establish an appropriate committee or mechanism to examine the allegations and summon all relevant persons and institutions.

Parliament must demonstrate that it can investigate allegations concerning its own members with the same seriousness with which it scrutinizes the conduct of other public officials.

WHAT HAS HAPPENED TO ORAL?

The AKSA matter raises serious questions about the Government's much-publicized Operation Recover All Loots (ORAL), which was presented as a campaign to expose corruption, recover public resources and hold wrongdoers accountable. Yet,

in the face of an international bribery case involving a major Ghanaian power transaction and allegations concerning Ghanaian public officials, the Attorney-General's office now says it is collaborating with its U.S. counterparts to bring those implicated to justice. This is troubling, particularly when EOCO says it was aware of the investigation as far back as last year, yet no meaningful action was taken or heard of. More concerning is that the Ghanaian aspect of the case appears to have commenced only after the U.S. proceedings had concluded. The apparent lack of urgency and the conflicting positions of state institutions raise serious questions about Ghana's handling of the matter.

ORAL must not be applied selectively or used as a political weapon. Corruption has no party colour. Whether the persons involved served under the NDC or NPP, or are Ministers, MPs, political appointees, businessmen or intermediaries, the same standard must apply. If ORAL is serious about protecting the public purse, the AKSA matter must be fully investigated, and anyone found culpable must be held accountable.

OUR DEMANDS FOR ACCOUNTABILITY

- **The OSP must act and account to the public.** The Office of the Special Prosecutor must, within the law, publicly confirm whether it is investigating the Ghanaian dimension of the AKSA bribery allegations and state the status of that investigation. It must also respond to our RTI request and make public the relevant reports, information and documents it shared with United States authorities.
- **The Ghanaian evidence must be secured and pursued.** The OSP, Attorney-General, EOCO, Financial Intelligence Centre and other competent state agencies must obtain and preserve the full evidential record arising from the United States proceedings, including financial records, emails, exhibits, recordings and testimony. Every Ghanaian beneficiary, facilitator or public official identified in the evidence must be investigated without fear or favour.
- **Parliament must investigate its own role.** The Speaker must establish a bipartisan Ad Hoc Committee to investigate the approval and ratification of the AKSA power agreement, including allegations that Members of Parliament received payments or other benefits. The inquiry must determine whether the integrity of Parliament's ratification process was compromised. **The proceedings should be televised live.** Ghanaians who endured the devastating effects of DUMSOR deserve to see what those entrusted with public power did at the time.
- **Government must explain the delay.** Government must tell Ghanaians what action was taken in Ghana when the allegations first became known. A statement

that the Attorney-General is collaborating with United States authorities is not an adequate answer. Ghanaians deserve to know what investigations were commenced, what evidence was obtained, who was questioned and what action followed.

- **International cooperation must produce results.** The Attorney-General must facilitate all necessary international legal cooperation and ensure that evidence received from the United States is properly secured and promptly placed before the appropriate Ghanaian investigative authorities.
- **Persons identified in the proceedings must answer questions.** Dr. Kwabena Donkor who was the Minister of Power then, and every person identified in the United States proceedings in connection with the transaction must be required to account for their alleged roles and for any payments, gifts, travel or other benefits allegedly received. Where the evidence warrants it, appropriate administrative measures, including interdiction, should be considered pending investigation.
- **ORAL must prove that it means what it says.** Operation Recover All Loots cannot become a campaign against politically convenient targets. If ORAL is genuinely about recovering public resources and fighting corruption, then the AKSA matter must be pursued with the same determination as every other credible corruption allegation. Corruption has no party colour. Accountability must have no political preference.

We are not asking the Government to convict anyone outside a court of law.

We are asking for an investigation into the matter and further prosecution.

We are asking for transparency.

We are asking for accountability.

We are asking the Government to apply the same standard to everyone.

Ghana deserves nothing less.

Thank you.