

INTRODUCTORY STATEMENT BY
HON. EBO BARTON-ODRO, MP, DEPUTY ATTORNEY
GENERAL & DEPUTY MINISTER FOR JUSTICE TO THE
COMMITTEE AGAINST TORTURE, 16TH MAY 2011.

Chairperson of the Committee against Torture,
Members of the Committee,

The Republic of Ghana is a culturally diverse country, with about 56 ethnic languages. Since independence, successive governments have sought to consolidate the unity of the country and to foster a spirit of loyalty to Ghana rather than stress on the cultural diversity of the country, through our system of education, inter-marriages and employment. It is not uncommon to find a Ghanaian who speaks one or more Ghanaian languages apart from the mother tongue. I learned to speak Ga, the language of those from the capital, in secondary school in the Central Region and I can state with some measure of pride that each and every member of the Ghana Delegation here speaks at least a second Ghanaian language or may be married to a person from another ethnic group.

The Directive Principles of State Policy, as enshrined in the Constitution, promote the active integration of the people of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs. The Armed Forces, the Police and Prisons Services are not packed with one ethnic group as against the others, neither are the security services loyal to one ethnic group or person. Any person could rise to the

top in the Public Services on merit. The Commission on Human Rights and Administrative Justice (CHRAJ), which is an independent body established under the Constitution, has been given the power to investigate complaints relating to the failure by the Public Services, including the Armed Forces, the Police and Prisons Services, to give equal access to the recruitment of persons.

Even though we have experienced some ethnic tensions and strife in the past (mainly in the North of the country), they have not been on the scale that would endanger the stability and unity of the country. As a result, we have not experienced such emergency situations as occur during civil war that would result in the curtailment of human rights and freedoms. Where there have been infractions, the State has made efforts to bring the perpetrators to justice. The security forces and other persons who may be in the position to violate the rights of others have, to a large extent, been encouraged to operate within the rule of law.

In 1975, the then Government of Ghana passed the Evidence Decree (NRCD 323) to codify and regulate the taking and giving of evidence before and during proceedings to assist in the administration of justice.

The Decree made statements given by persons in custody, restriction or other form of detention inadmissible in evidence unless the statement was made in the presence of an independent witness approved by the person other than a police officer or member of the Armed Forces. The independent witness was required to be a person who can understand the language of the person detained; can read and understand the

language in which the statement was made, and where the statement is in writing, the independent witness must certify in writing that it was made voluntarily in his or her presence and that the contents were fully understood by the person detained. Where a person alleges during court proceedings that his confession statement was not obtained voluntarily, the Court is bound to ascertain the voluntariness or otherwise of the statement through a “mini-trial”.

Mr. Chairman,

In January 1993 when Ghana returned to constitutional rule, the country bound itself to promote and respect the rights of all persons. The human rights provisions under the Constitution were entrenched so that no government could easily effect changes to those provisions. Any person who alleges a violation of his or her right to life, liberty, property, fair trial, *etc.* can and is able to institute proceedings against the State in the High Court. The Constitution recognizes the human rights of “[e]very person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender” subject only to respect for the rights and freedoms of others and in the public interest. The Constitution further enables every person to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject only to the Constitution.

Ghana has therefore been a haven of relative peace and stability in Africa. The rights and freedoms that I have alluded to were guaranteed by the Constitution at a time when Ghana had not become party to any of the human rights conventions, such as the International Covenant on

Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is therefore rare to find a person in Ghana whose rights have been violated through the use of torture or other forms of ill-treatment to obtain information.

Ghana has, in keeping with this constitutional and democratic march, sought to enforce the provisions of the Constitution and other laws to protect the rights of individuals against State agents who seek to violate those rights. The case of Issah Mohammed, *aka* Issah Molbila, is still fresh in the minds of many Ghanaians. I will spare you the details of the case since it is referred to in our Initial Report (and may be the subject of further discussion). Suffice it to say that the post-mortem examination suggests that the three soldiers who received him into military custody used violence on him which led to his death. These persons have been charged with murder, which is a capital offence in Ghana. As I speak, the case has been referred back to the High Court by the Supreme Court for trial after the accused persons had been given the opportunity to use the judicial process to protect their rights.

Ghana has always sought to respect international law and to maintain its treaty obligations. As recently as December 2010, Ghana made a Declaration to the Protocol to the African Charter on the Establishment of the African Court on Human and Peoples' Rights in terms of the competence of the Court to receive cases instituted directly by NGOs and individuals before it under article 5(3) of the Protocol, thus opening the

country up to scrutiny by the international community. It is with regret that Ghana has since 2001 been unable to meet its obligation to submit its Initial Report to this Committee. We take this opportunity to pledge that we will endeavour to meet the obligations with regard to the submission of our reports from now on in keeping with our international commitments.

Let me mention here that the Optional Protocol to the Convention against Torture (OPCAT) has received approval from Cabinet and is now before Parliament for ratification. I can state though that even before it becomes binding on Ghana, the mandate of CHRAJ allows the Commission to pay regular visits to places of detention in the country in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Mr. President, I will like at this juncture to introduce the other members of the Ghana Delegation. They are:

- H. E. Mrs. Ellen Serwaa Nee-Whang Ambassador and Permanent Representative of Ghana, Ghana Permanent Mission, Geneva
- Mrs. Merley Afua Wood Chief State Attorney, Attorney General's Department
- Mr. Samuel Nerquaye - Tetteh Chief State Attorney, Attorney General's Department
- Ms. Mercy Yvonne Amoah Deputy Permanent Representative, Ghana Permanent Mission, Geneva
- Mr. Ben Quaye Deputy Director-General, Operations, Ghana Prisons Service

- Lt. Col. Edward EdemFiawoo Director, Legal Services, Ghana Armed Forces
- ACP Boi-Bi-Boi Director, Operations, Ghana Police Service
- Mr. Isaac Lartey Annan Deputy Director, Commission on Human Rights and Administrative Justice (CHRAJ)
- Mr. Jude Kwame Osei First Secretary, Ghana Permanent Mission, Geneva.

We are here at your disposal to try to answer any questions that you may have concerning the Initial Report and the situation in Ghana as far as its commitment to its obligations under the Convention and other relevant human rights instruments are concerned. We hope the interaction will be fruitful and beneficial to the progressive development of human rights in Ghana, in particular, and the international community as a whole.

THANK YOU.