

Supplementary Report - Commonwealth Human Rights Initiative for the Universal Periodic Review of Ghana

January 2008

Ghana Police Service

In Ghana the function of the police is set out in section 1 of the Police Services Act 1970 as “to prevent and detect crime, to apprehend offenders, and to maintain public order and the safety of persons and property.” Ghana Police Service is shaped and regulated by the Police Services Act 1970, the 1992 Constitution as well as numerous regulations. These instruments set out certain police standards, which count as misconduct and disciplinary procedures. Ghana is also party to a number of international instruments such as the United Nations Declaration of Human Rights and United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Provision has been made within Ghana for oversight mechanisms such as the Police Council and the Police Intelligence and Professional Standards Body (PIPS) to review and ensure compliance with these domestic and international standards.

Despite this the Ghana Police Service is often accused of being an instrument of force and oppression, using force and violence in an arbitrary and excessive manner. Throughout 2007 CHRI has noted and investigated a number of media reports regarding police brutality. These have included several incidents involving poor crowd control as well as several examples of brutalities against individuals in police custody.

1. Police Brutalities

The issue of police brutalities continues to undermine the security and protection of the Ghanaian populace. The Ghana Police Service is often reported for being an instrument of force and oppression, using force and violence in an arbitrary and excessive manner. CHRI has monitored and investigated a number of incidents involving poor crowd control as well as several examples of brutalities against individuals in police custody. CHRI has undertaken investigative missions, as a follow-up to media reports and has subsequently submitted memoranda to the Commission of Enquiry on the Volta Lake Boat Accident,¹ Georgina Wood Commission on Cocaine and the Shooting at Dansoman.²

On June 1, 2007 students at the Takoradi Polytechnic were brutalized by police during a peaceful protest requesting the removal of their principal.³ The situation descended into violence after police fired rounds of tear gas and rubber bullets directly at the students

¹ April 17, 2006. See, Committee of Enquiry into the Volta lake boat accident on April 8, 2007- p 72

² May 2004

³ CHRI was provided with evidence of the events in the form of a CD recording made by Sky TV.³

prompting some students to throw stones. The situation soon escalated and the police fired rounds of teargas and rubber bullets. Some students were chased into their homes where they were beaten. Some of the students reacted in self-defence by throwing stones etc. Police responded by chasing and brutalising the students and residents in the neighbourhood, using gun butts and batons, arresting indiscriminately and causing several victims to sustain severe injuries. A total of 69 people were arrested (65 plus 4 Ghana National Union of Polytechnic Students (GNUPS) Executives). Eric Kotoko, one of the students, had injuries in his back/shoulder from a rubber bullet fired at him during the morning's protest. He was arrested and denied medical help.

CHRI interviewed Clement Nabaro, Takoradi Polytechnic Student,⁴ who stated that he was arrested on his way to campus to retrieve his bike. During the arrest Clement was treated quite brutally: he was hit by a policeman with a fist and the back of a gun. He was not allowed to give any statement. He was given no opportunity to explain to the policemen that he was simply going to campus to collect his bike. He was subsequently taken to a police station in Sekondi. Upon arrival, he was asked to write down his name and address. He was not asked to write a statement. Before he was put in a cell with approximately 22 others, he was forced to remove all his clothes (they were allowed to keep their underpants on if they were wearing them) and belongings and he further beaten by the police. During his time in the cell, he was not informed of the reasons for his arrest and he was not given access to a lawyer. He was not allowed to make a phone call or write a statement. It was not until he reached the court premises, with 60 others, that he learned that he had been charged with destruction of public property and causing a public disturbance. Only one student was represented by a lawyer at this time. Clement and several others were subsequently released on bail on June 4, 2007 granted to 30 million that everyone had to pay.

CHRI also interviewed Michael Oppong, GNUPS Finance Officer;⁵ he was on his way escorting one of the injured students to hospital and two others. Michael stated that when they were arrested, they tried to ask why they were being arrested but they were ordered not to talk and were pushed into the police vehicle. Michael asked if he could make a phone call to tell the GNUPS Executives what was happening but he was refused. In addition, Michael informed the police that the student needed medical treatment and should be allowed to go to hospital but they refused to let the student go/provide him with medical treatment at the police station. Michael and the three students were taken to Central Police Station in Sekondi. They were not told what they were charged with or informed of their right to have access to a lawyer. Michael alleges that approximately 7-8 students were arrested on Thursday night. They were all put in the same prison cell. He stated that Eric Kotoko/GNUPS arranged for a lawyer to represent Michael at the hearing.

⁴ Meeting took place on September 4, 2007

⁵ Meeting held on August 6, 2007

During the same month of June, Metro TV reported an incident involving 40 students from Jayee Institute who were returning from a football match in a hired bus. Police stopped the bus and accused the driver of insecure driving. When the sports secretary tried to intervene he was accused of disrespecting the police and was hit in his chest with gun butts, beaten and pulled to the car by his scrotum.⁶

A further attack involving young people occurred during the lifting of the ban on drumming and dancing at Ga Mashie. A protest by a group of youths regarding the details of the ceremony resulted in them charging at the police. The police responded with tear gas, rubber bullets and stones. The incident resulted in several injuries and the death of one woman. Subsequent interviews of victims and witnesses by CHRI revealed that police conduct fell short of that required by human rights standards.⁷

As well as police force against students there have also been reports of violence in connection with chieftancy disputes. Installation of chiefs and the tension that may surround them is an issue with its roots in Ghana's traditional past. It therefore requires a sensitive and neutral role for the police so that they play a constructive part in ensuring that the process can be a peaceful one.

This proved not to be the case on 1st November 2007 when police violence broke out in Anloga surrounding the contested installation of a chief. The police were sent ostensibly to ensure peace during the installation which had divided people in the area; however violence broke out prompting the police, who were armed with AK47s, to shoot. The result was injury and the death of two civilians who were not involved in the protest. During the incident a policeman was kidnapped and later found dead. The police retaliated by arresting and brutalising the inhabitants of the village, including women and children. In the random exercise, the police went house to house, breaking into peoples' homes vandalising property and arresting any male youth in sight; brutally beating them up with batons and gun butts and causing them to sustain severe injuries. In total 94 people were reported to have been arrested and detained at police stations causing in overcrowding in police cells and the collapse of two inmates who were sent to Keta Hospital. Two individuals died in detention due to the severity of the beatings they received bringing the total death toll to five.⁸ CHRI interviewed Major Woanya, Assemblyman for Lashibi Electoral Area, and also 2nd Vice Chairman, Volta Regional NPP who reported that the police had manhandled the residents who were less concerned about the incident. He stated that the chieftancy dispute is a private affair for which only a few disgruntled people were involved. However, that the police instead are entering

⁶ Ghana Police Accountability Project Half Yearly Report – January to June 2007

⁷ Ghana Police Accountability Project Half Yearly Report – January to June 2007

⁸During the incident, 5 individuals including: Israel Ahadzi, Mama Senyo, Menco Tugba, Israel Cobbah Amenumeh and Constable Moses Deba, lost their lives. Daily Graphic, Tuesday November 6, 2007; Daily Guide, Tuesday November 6, 2007; Daily Guide, Friday November 2, 2007; Daily Guide, Monday November 5, 2007; The Ghanaian Times, Thursday November 8 2007; The Ghanaian Times, Friday November 9, 2007; Public Agenda, Friday November 9, 2007

peoples' homes and jumping on fences, breaking doors and arresting anyone deemed to be protesting the installment ceremony. Several properties including personal effects were destroyed in the process. He stated that the police have embarked on an intimidating campaign, asking people to hop around and beating them up in case they protest. He also mentioned an example of how the police had ordered one of the residents to sleep on the dead policeman's corpse also making remarks such as, 'we will roast this corpse for you to eat.' Two head teachers also reported that they were manhandled by the police. Five policemen and two soldiers went into the house of the husband of the deceased woman and pointed the guns at him and asked him who was in the house. They bypassed him and searched the rooms in the house. The gun was still pointed at him whilst the house was searched the house.

This episode demonstrated the abuse of police power in favour of the interests of a single section of the community rather than serving the interests of the community as a whole. The neutrality of the police has been questioned in a number of media articles⁹, the assertion being that the police used excessive force on behalf of those in favour of the installation in order to oppress the opposition.

Individual Cases

Examples of police brutality are not restricted to situations involving a large group. There have also been multiple reports of police violence against individuals both prior to arrest and whilst in custody.

On 17 August 2007 Richard Salu was arrested following a discussion on a trotro (public transport) criticising the government. A policeman travelling in civilian clothes objected to the discussion and arranged for Richard to be forcibly removed from the trotro by police officers at Achimota Police Station. He was not informed of the reason for his arrest or asked to make a statement until the following day. He was slapped, beaten until he was unconscious and forcibly stripped by a group of 5 officers, including a female officer who reportedly grabbed his testicles. When a friend came to bail him the request was initially refused and only granted following intervention by higher authorities. Following his eventual release the next evening no charges were brought.

In November 2007 the Daily Guide reported on the tendency of a joint Police and Military patrol team checking for illegal activity in the Tema Municipality, to brutalise commercial drivers for no apparent reason. This included Ekow Ebenezer who was slapped severely, stripped and beaten after his vehicle was stopped. Following the attack the police left him without saying anything more¹⁰.

⁹The Ghanaian Times, Monday November 5, 2007; The True Independent, Tuesday November 6, 2007; Daily Graphic, Monday November 26, 2007

¹⁰ Daily Guide, Tuesday November 20, 2007

During the same month The Chronicle reported on the brutalizing of Mr Elias Agbana by police at Kpedze. Following his arrest Mr. Agbana's hands were handcuffed and his legs chained. On some occasions he was brought from his cell and chained against the wall in full view of the public. Despite having both his hands and feet chained the suspect was still given kenkey to eat. He was not granted bail until the third day and his case was not processed through the court.¹¹

Similar treatment was evident in the case of Johnson Nipala, an individual who suffers from a psychiatric disorder resulting in erratic behaviour. In June 2007 he was arrested and beaten by police patrolmen who suspected him of being an armed robber due to his unconventional behaviour. After being slapped, pushed to the ground, kicked and dragged to the car he was taken to Mile 7 Police Station and locked in a cell with 30 others. His cellmates in an attempt to protest sharing the cell with him beat him up. The police in response, decided to chain Johnson to a pole outside the station on grounds that they had nowhere to take him. He spent a total of 17 days chained to the pole in all weather conditions, unable to sit down, his only source of food being that which his family fed him. At no point was he told of his right to see a lawyer or of any evidence against him. His family were told that there was no point in applying for bail.

Police brutality has resulted not only in the injury of civilians but also the death of several. This includes the death of Saviour Gidiglio allegedly whilst in police custody. Gidiglio had been arrested in relation to a civil claim and held at the Ashaiman police cells. His cellmates and family assert that he died in his cell at the police station although the police dispute this, claiming he died whilst in hospital. In December 2007 The Statesmen reported on the confirmation by independent autopsy later confirmed that Saviour had been beaten to death¹². The independent autopsy that ascertained the cause of death was finally obtained after initial police resistance and insistence that the autopsy be carried out at the police hospital, despite the fact that the police were an interested party¹³.

Meanwhile on November 30, 2007 the Daily Graphic reported on the death of a suspected illegal timber operator as the result of a police bullet. Constable Aryee was on guard duty at a construction company when he signalled a driver to stop. When he did not, the policeman opened fire hitting and killing Yaw Agyen who was sitting on top. The policeman later returned his weapon to the police station and went into hiding without disclosing the incident. He has since been arrested and in December it was reported that he was facing a charge of murder.

Conclusion

¹¹ The Chronicle, Thursday November 8, 2007

¹² The Statesman, Monday December 10 2007

¹³ The Chronicle, Monday November 26, 2007, Daily Graphic, Thursday November 29, 2007.

The above examples demonstrate a use of excessive and unnecessary force far beyond acceptable boundaries and a total disregard for fundamental human rights. They demonstrate a mind-set of a colonial-era police force used as an instrument of oppression to protect the interests of a powerful minority. This fosters a situation where there is a lack of trust between police and public, preventing the cooperation and dual partnership needed for effective policing. This is demonstrated by reports of ‘mob justice’ such as the lynching of a hospital administrator in the Brong Ahafo region and the beating of a supposed thief in an Accra market¹⁴.

To remedy this state of affairs the police service must be transformed into a democratic service accountable to the law whose role is to protect the rights, needs and safety of the community as a whole.

This requires clear rules about when and how it is permissible to use force, training in alternative methods of crowd or suspect control, increased communication and interaction between the police and the community and education emphasising the proper role of the police within society.

These steps will be ineffective however if there is not clear guarantees that the rules will be enforced. So far this year no prosecutions have been brought against the perpetrators of police brutalities, only dismissals. This is despite the fact that these actions amount to a breach of criminal law. A zero tolerance approach is essential if police members are to be effectively deterred and the community’s confidence restored.

2. Forced Evictions

Forced evictions have been a recent phenomenon in the Ghanaian community emerging in the latter part of 2006 and increasing throughout 2007. By arbitrarily forcing individuals to leave their homes the authorities have in the process violated several fundamental human rights set out in various human right agreements.¹⁵ Moreover in all incidents, the pattern has revealed that the evictions are conducted by local government agencies aided by policemen using guns and sticks to intimidate residents into vacating the land. CHRI has similarly, monitored several of the reported evictions through fact-finding missions whose results are detailed below;

In Digya National Park a forced eviction took place between March 11th –20th 2006 when a team of eleven military men, one policeman and 15 wildlife division personnel went to evict the residents following a notice issued on February 10th 2006 to leave by February 28th 2006. An estimated number of 600 persons were displaced from their homes. Nine persons officially alleged mistreatment by the wildlife division personnel carrying out the

¹⁴ Daily Graphic, Saturday June 2, 2007

¹⁵ The most immediate human right that is breached is the individual’s right to security. The right to housing- Article 11 (1) Covenant on Economic Social and Cultural Rights

evictions. Some residents were left on Manchere Island in Ghana without access to food, water, shelter or medical supplies. At least, 103 victims were placed at gun-point and forced onto a boat with a capacity for 64 persons, which hit a tree-stump and capsized killing an unknown number of people.¹⁶ In 2007, the Government issued a white paper following recommendations of the Committee of Enquiry on the boat disaster but denied any responsibility for those who died.¹⁷

Another eviction occurred in the Sodom and Gomorrah in Kumasi. The Kumasi Metropolitan Assembly (KMA) with plans to conserve the area, originally a sewage treatment plant, served notice on the inhabitants on April 10, 2006. The inhabitants petitioned KMA, which agreed to stay the demolition. However on May 23, 2007, without further notice to the inhabitants, the demolition took place displacing an estimated number of 800-1000 persons who had dwelt on the land for as long as 10 years. CHRI visited the city on May 25, 2007 and interviewed 40 of the victims who reported injuries¹⁸ and loss of possessions. KMA was only willing to meet the transport charges of the victims and nothing more.

On the June 10 2007 another eviction took place at Mallam. The eviction was carried out in response to damage caused by a flood which had killed 7 people. According to the majority of the victims no notice of the eviction was served. The Government justified the evictions on the ground that homes were built on the riverbank without building permits. Approximately 100 homes and businesses were destroyed.¹⁹

Another eviction took place in Dambai on October 9th 2007 following disagreements between the local authorities and residents as to the compensation. The residents claimed that the compensation offered was negligible and could not build one room let alone an entire home. The matter was referred to court, which issued a temporary injunction. In spite of this, the district assembly went ahead to conduct the eviction at 1am on October 9th 2007 leaving approximately 200 people destitute, 2 dead and several others injured. The local authorities offered no relief assistance.

In all the reported incidents the displacement of the individuals was undertaken without recourse to alternative measures. In most instances those who are forcibly removed from their homes continue to live in the area even after the homes are demolished, living amongst the rubble and destruction that is left, sleeping under trees or in rooms without

¹⁶ Only 10 were confirmed dead including 6 children.

¹⁷ Titled; 'Statement on the Report of the Committee of Enquiry into the April 8, 2006 Volta Lake Boat Disaster', August 2007

¹⁸ For instance a 9-months old baby who was hit on the mouth during the eviction.

¹⁹ On June 13th 2007, CHRI interviewed 28 victims representing a cross section of those affected only 7 of which claimed to have received any notice of the eviction the maximum of which being only 4 days. 26 interviewees stated they were given less than 10 minutes to evacuate under pressure from armed soldiers threatening them.

roofs, leaving them destitute in contravention of Covenant of Economic, Social and Cultural Rights (CESCR) which prohibits rendering a person homeless.²⁰ Moreover, the absence of alternative measures place the health and lives of those affected at an even greater risk.

Similarly, authorities have failed to provide compensation to the evictees claiming they are under no obligation to do so since the victims are squatters with no rights over the land. Although most of the evictees had no land titles, dwelling in informal settlements the law guarantees every person a security of tenure, which was violated during their eviction.²¹

Part of the problem has been the lack of proper dialogue between the victims and the local authorities. This has resulted in the use of excessive force to remove the residents from their homes, which is in contravention of Article 7 of the International Covenant of Civil and Political Rights which prohibits the use of torture, inhumane and degrading treatment.

On August 1st 2007 CHRI wrote to the Minister of Local Government and called for immediate reform by the Government. CHRI requested for an end to further evictions where alternative measures are not in place, compensation of those affected and in the long term; adoption of a national evictions policy to guide such exercises. Despite follow up letters CHRI has yet to receive any response from the government regarding these concerns.

On October 4, 2007 during a round-table Conference titled, 'A Safe City is a Just City', organised by the United Nations in commemoration of the UN World Habitat day, CHRI issued a statement on the human rights situation in Ghana citing the problem of forced evictions at Digya National Park, Mallam, Abinkyi, Tema and Sodom and Gomorrah. CHRI noted that the evictions were unlawfully conducted and as a result hundreds of Ghanaian citizens originally settlers on those lands lost their homes, property, livelihoods and security during the evictions and yet received no compensation.

²⁰ See id., paragraph 16

²¹ General Comment 4 'tenure ... includes ... informal settlements including occupation of land and property ... all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction'