

**IN THE THIRD MEETING OF THE THIRD SESSION OF
THE EIGHTH PARLIAMENT OF THE FOURTH REPUBLIC
OF GHANA**

**REPORT OF THE COMMITTEE ON DEFENCE AND
INTERIOR ON THE MILITARY OPERATION AT
ASHAIMAN**

NOVEMBER, 2023

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1.0 INTRODUCTION

At dawn on Tuesday, March 7, 2023, it was reported in the media that the Military had stormed the communities of Tulaku and Taifa in Ashaiman on a swoop to find suspected criminals in connection with the killing of a young soldier, Trooper Imoro Sherrif, in Ashaiman.

Regrettably, innocent civilians and residents of Ashaiman suffered distress and untold indignities during the military operation that was reported to have been sanctioned by the Military High Command. News of the operation and its excesses resulted in an uproar among the civilian populace.

In accordance with Standing Order 158 which mandates the Committee on Defence and Interior to perform oversight functions over the security sector, the Minister for Defence and the Military High Command were invited to a meeting on Thursday, 9th March, 2023, to brief the Committee on the reasons for the operation and also address the alleged brutalities meted out to civilians in Ashaiman.

The Minister for the Interior was also invited to appear before the Committee in relation to the Ashaiman shooting incident.

1.2 Terms of Reference of the Committee

The Committee further undertook a visit to the communities on Thursday, 16th March, 2023, to:

- Ascertain the facts surrounding the death of Trooper Imoro Sheriff
- Commiserate with the bereaved family of Trooper Imoro Sheriff
- Determine the basis for the Military brutalities in the communities

- Assess the extent and enormity of the injuries sustained by the victims and the damage caused to personal property
- Empathise with the victims of the military operation
- Provide recommendations to the House for consideration

2.0 LEGAL FRAMEWORK

The Committee's work was extensively guided by the overarching values and principles underpinning the following:

- The 1992 Constitution,
- The Ghana Armed Forces Act 1962 (Act 105) as well as
- The Standing Orders of the House.

2.1 The 1992 Constitution of the Republic of Ghana

Article 12(1) of the Constitution provides that:

“The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislative and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the Courts as provided for in this Constitution”.

Article 15 (1) and (2) of the Constitution also provide that:

“(1) The dignity of all persons shall be inviolable.

(2) No person shall, whether or not he is arrested, restricted or detained, be subjected to –

(a) torture or other cruel, inhuman or degrading treatment or punishment;

(b) any other condition that detracts or is likely to detract from his dignity and worth as a human being.

Article 33(5) of the 1992 Constitution further provides that:

“33(5) The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man”.

Articles 200 (3) of the Constitution maintains that:

“The Police Service shall be equipped and maintained to perform its traditional role of maintaining law and order”.

Article 210 (3) of the Constitution also states as follows:

“The Armed Forces shall be equipped and maintained to perform their role of defence of Ghana as well as such other functions for the development of Ghana as the President may determine”.

2.2 The Ghana Armed Forces Act, 1962 (Act 105)

Section 12 (2) of the Armed Forces Act states that:

“Every person subject to the Code of Service Discipline under subsection (1) at the time of the alleged commission by him of a service offence shall continue to be liable to be charged, dealt with and tried in respect of that offence under such Code, notwithstanding that he may have, since the commission of that offence, ceased to be a person mentioned in that subsection”.

Again, section 32(2) of Act 105 provides that:

“Every person in the Armed Forces, who behaves in a cruel or disgraceful manner shall be guilty of an offence and on conviction liable to imprisonment for a term not exceeding five years or to any less punishment provided by this Act”.

2.3 Standing Orders of the Parliament (Order 158)

Order 158 of the Standing Orders mandates the Committee on Defence and Interior to examine all questions relating to defence and internal affairs.

3.0 DELIBERATIONS WITH KEY MINISTRIES AND SECURITY PERSONS

The Committee was briefed on the Military Operation that was carried out on Tuesday, 7th March 2023, which resulted in civilians being brutalised during the search for criminals suspected of killing the young soldier, Trooper Imoro Sheriff.

3.1 Briefing by the Minister for Defence and the Military High Command

The Minister stated that the operation was carried out at Tulako and Taifa, suburbs of Ashiaman, which were declared as “no-go areas” to the high level of criminal activities that had been occurring in those areas.

According to him, Military intelligence received necessitated the need to flush out criminals in the areas which had gained a reputation of being unsafe and dangerous to the extent that residents could not move freely, especially in the evening.

The Committee was informed that once an individual took on the challenge of serving as a soldier in the Ghana Armed Forces, he or she swore to the State to die protecting the people of Ghana, but in this case, the soldier did not die in the line of duty. He noted that the deceased soldier was stabbed to death on Saturday, 4th March 2023 at about 2:00 a.m. He stated that happenings in the community for a period of about one month had built tension within the barracks.

The Minister further indicated that there had been several incidents where civilians have brutally assaulted Military personnel. He referred to a Warrant Officer of the Ghana Armed Forces, who was beaten and dragged on the floor

by supposed landguards at Kasoa and to another incident which took place in Bibiani in February 2023 where two soldiers were beaten up mercilessly. Mention was also made of five soldiers who were beaten up by a mob of young men in Dome Faase. In the latter case, the soldiers were asked to kneel, had their heads shaved and their weapons seized. The cold-blooded murder of Major Maxwell Mahama as a result of mob action was also recounted.

The Hon. Minister for Defence further clarified that the swoop was not to avenge the murder of Trooper Sheriff Imoro. He emphasized that the Ashaiman operation was not the first of its kind as the Military had carried out similar operations in Kasoa in 2019 and 2020 respectively.

The Hon. Minister for Defence admitted that there were excesses in the actions taken. The Military had therefore taken responsibility for its actions and sympathised with the innocent civilians who suffered various forms of indignity and distress from the operation.

The Hon Minister informed the Committee that the Ghana Armed Forces would ensure that all protocols due to the deceased Military officer and his family would be adhered to.

The Hon Minister indicated that at the appropriate time, the conduct of the Ghana Armed Forces during their swoop in Ashaiman would be addressed. He also assured the people of Ghana that the Security Services would continue to ensure that the nation is rid off all miscreants who earn a living by force of arms and attacks on the good citizens of Ghana.

Lastly, the Minister cautioned that people should desist from attacking officers in uniform as these officers have sworn to protect lives.

The Chief of Defence Staff (CDS) corroborated the Minister's statement and informed the Committee that the operation took place after all intelligence-gathering efforts had been completed. The CDS admitted that there were excesses in the operation that resulted in people being brutalised.

3.2 The Minister for the Interior

The Minister for the Interior, Hon. Ambrose Dery, informed the Committee that internal security was the exclusive preserve of the Ghana Police Service. He said history would show that the Ghana Police Service had collaborated with the Military on several occasions to enforce internal security. The continuous capacity building of the Ghana Police Service has greatly impacted internal security.

The Hon. Minister indicated that caution should be taken when dealing with security matters in order not to allow impunity to thrive. He assured the Committee that the Police would take up the matter to ensure that effective internal security is maintained.

3.3 The Inspector General of the Ghana Police Service

The Inspector General of Police indicated to the Committee that they were informed of the operation by the Military. However, the Police requested for more collaboration to strategize. Nonetheless, the Police did not interfere with the operation as it was wholly a Military operation.

The Inspector General of Police (IGP) informed the Committee that investigations into the robbery incident that resulted in the death of the Trooper was ongoing.

The accused Samuel Tetteh and Abubakar, who admitted to killing the deceased, Trooper Imoro Sherriff had been arrested and were on remand. It was also confirmed to be a robbery incident where some valuables of the deceased were stolen. A total of six persons were arrested in connection with the incident and the Ghana Police Service had adequately briefed the family of the deceased.

4.0 VISIT TO ASHAIMAN

On Thursday, 16th March 2023, the Committee paid a visit to the Ashaiman Zongo Laka Community to ascertain the circumstances leading to the death of Trooper Imoro Sheriff, , the extent of the military brutalities and the enormity of the injuries sustained by victims.

The Committee in no uncertain terms condemned the murder of Trooper Imoro Sheriff and assured the family and the people of Zongo Laka that steps would be taken to ensure that the late Trooper's family gets the justice they deserve. The Committee urged the victims to exercise restraint while the Committee conducts its investigation.

The Committee also commended the Ghana Police Service for its swift action in apprehending the perpetrators of the crime and successfully restoring peace in the Ashaiman District.

The Committee reminded the community members that the Military and other security forces were friends of the public and urged them to live in harmony with each other. Furthermore, the Committee urged the people of Ashaiman to be bold and report known criminals within their community to enable the security agencies maintain peace and security.

5.0 MEETING WITH PERSONS AFFECTED BY THE OPERATION

Lawyer Emmanuel Kumadey, who was identified as the spokesperson of the affected persons, recounted the events of that fateful Tuesday, 7th March 2023. He stated that, he received a call from a concerned person who informed him that the Military had invaded Ashaiman at 3:30 a.m.

Following the call, he peeped out of his window and saw military vehicles parked outside his house. The Military had set up a command centre at the location.

Mr. Kumadey indicated that he received distress calls from some residents of Ashaiman Tulaku and Taifa informing him of the brutal treatment being meted out to them.

According to Lawyer Emmanuel Kumadey, soldiers were scaling walls into people's compounds, breaking down doors and dragging people out just to brutalise them.

He informed the Committee that he called the police and was informed that the operation was sanctioned by the Military High Command and could only be ended by a direct command from the sanctioning authority. He then called Burma Camp and was informed that an order to end the operation had been issued. He indicated that he called the media, specifically Joy Fm and Citi Fm, to publicise the situation in a bid to get help to Ashaiman. A military chopper was seen hovering over the Ashaiman town at about 7:00 a.m. after which the soldiers began to retreat.

Lawyer Kumadey further indicated that some victims were taken to Michel Camp and later to Burma Camp by the soldiers and were subjected to further beatings, torture and brutalities. He pointed out that some of the 'abducted victims' were released during the day, others on Wednesday, 8th March 2023, while the last group of people were released on Thursday, 9th March 2023 after a press conference by the "Ashaiman Lives Matter" group.

Lawyer Kumadey informed the Committee that as a lawyer, his first instinct was to take evidence of the situation on the ground. He therefore took videos and pictures of the victims and the damaged personal properties as evidence (attached as Appendices A & B) and collated a list of 247 affected persons (Appendix C).

Lawyer Kumadey noted that Dr Alhassan, a medical doctor, treated over 50 people with various degrees of injuries. The medical forms provided as evidence is attached as Appendix E.

Lawyer Kumadey, in his capacity as the spokesperson for the affected persons, demanded the following from the Military:

1. Payment of compensation to the victims of the military brutalities and for damaged personal properties;
2. The immediate dismissal of the officers of the Military High Command who sanctioned the operation.

6.0 FINDINGS OF THE COMMITTEE

- I. It was established that the military operation that took place at Ashiaman – Tulako and Ashiaman – Taifa on Tuesday, 7th March, 2023 was indeed sanctioned by the Military High Command.
- II. The operation was sanctioned based on intelligence gathered by the Military.
- III. Some residents of the affected communities were subjected to acts of torture and sustained various degrees of injuries (see Appendix B).
- IV. About 247 persons suffered varying degrees of injuries causing them somatic (bodily) pain, and with others traumatised (see Appendix C).
- V. Dr Alhassan offered medical treatment for fifty (50) of the affected victims.
- VI. There were damages to some personal properties of residents during the military operation (see Appendix A).

7.0 OBSERVATIONS

7.1 Institutional Failures of Security Agencies

The Committee observed that there was no collaboration between the Ghana Armed Forces and the Ghana Police Service in the Ashaiman operation.

The Committee noted that intelligence-led operations within the country that border on crime are the preserve of the Ghana Police Service. Therefore, intelligence gathered by the Ghana Armed Forces should have been passed on to the Ghana Police Service for necessary action. The Committee observed that an inter-agency collaboration could have averted the type of brutalities that was witnessed at Ashaiman.

7.2 Deteriorated relationship between the Military and Civilians

The Committee noted that the relationship between the Military and Civilians had deteriorated significantly resulting in constant reports of Civilian-Military clashes. This deteriorating relationship between Citizens and the Military must be addressed as a matter of urgency. A good and effective civil-military relations is a recipe for national peace and security.

7.3 Sensitizing the Populace

The Committee observed that lack of awareness of the benefits of peaceful coexistence is detrimental. Accordingly, the Committee urges State Agencies and key stakeholders to educate and sensitize the Ghanaian populace on the importance of tolerance in promoting peace and social cohesion.

7.4 Timing of the Military Operation

Although the Military raid in Ashaiman was based on intelligence as indicated by the Military, the timing of the operation appeared to be inappropriate and could be interpreted by the public as an act of revenge for the death of the soldier.

7.5 Excessive Military Force

The Committee also observed with concern that the Military used excessive force in rounding up suspects leading to innocent civilians being beaten and harassed. In the Committee's opinion, this is unacceptable and intolerable, as the atrocities unleashed by the military violated the fundamental rights of the affected persons.

8.0 RECOMMENDATIONS

Flowing from the evidence adduced by the Committee, and having regard to the legal framework concerning incidents of this nature, the Committee recommends the following;

8.1 Persons brutalised by the Military in Ashaiman on 7th March, 2023, and who sustained various degrees of injury should be promptly and adequately compensated by the State. The compensation must be extended to cover those persons whose properties were destroyed in the course of the Military swoop.

8.2 The Committee abhors any form of torturous handling of civilians by the Military or any security services for that matter. The Committee calls upon the leadership of the Ghana Armed Forces to educate their personnel on the legal demands and consequences of such acts.

8.3 The Committee further recommends that the soldiers who indulged in the excesses associated with the operation should be identified and dealt with in accordance with section 32 of the Ghana Armed Forces Act, 1962 (Act 105), which stipulates that: *"Every person in the Armed Forces, who behaves in a cruel or disgraceful manner shall be guilty of an offence and on conviction liable to imprisonment for a term not exceeding five years or to any less punishment provided by this Act"*.

8.4 The Committee again recommends that the National Security Council ensures that there is collaboration and coordination among the security agencies in the country, particularly between the Armed Forces and the Police Service in the execution of their functions and duties. The Committee entreats the Security Services to follow their respective mandates as provided by law.

8.5 The Committee emphasized that the involvement of the military in internal security operations must be a last resort. The Police Service must in all instances be the lead agency in internal security operations. The effective coordination of intelligence must be promoted at the National Security Council level to prevent the reoccurrence of such excesses.


8.6 The Committee recommends that the Ghana Armed Forces work towards improving their relationship with the public to engender trust and confidence in the populace.

9.0 CONCLUSION

The Committee hereby recommends that the House adopts its report on the Military operation in Ashaiman that took place on Tuesday, 7th March 2023.

Respectfully submitted.


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