COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

Our Ref: *CHRAJ/2910/2026/481*

26th November, 2026

BOBBY BANSON, ESQ., FCIArb
ROBERT SMITH LAW GROUP
UNIT A602 OCTAGON BUILDING
ACCRA

Dear Sir,

IN THE MATTER OF THE ALLEGATIONS OF CONFLICT OF INTEREST, CORRUPTION AND ABUSE OF POWER BROUGHT AGAINST PUBLIC OFFICERS AND A PRIVATE CITIZEN

BETWEEN

EMMANUEL SENYO AMEKPLENU
EMAIL: esamekplenu@gmail.com
0247232387 **COMPLAINANT**

AND

1.H.E. JOHN DRAMANI MAHAMA
PRESIDENT OF THE REPUBLIC OF GHANA
JUBILEE HOUSE, ACCRA

2. H.E. PROF. JANE NAANA OPOKU AGYEMANG
VICE-PRESIDENT OF THE REPUBLIC OF GHANA
JUBILEE HOUSE, ACCRA

3. IBRAHIM MAHAMA
ENGINEERS AND PLANNERS CO.LTD
C0003769488
ACCRA - **RESPONDENTS**

I have been directed to forward the enclosed Decision in the above titled complaint for your kind attention.

Yours Sincerely,

DANIEL ANANG AFETSI
PRINCIPAL REGISTRAR

FOR: COMMISSIONER

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

CASE NO: 2910/2026/482

IN THE MATTER OF ARTICLES 218(a), 284 and 287 OF THE 1992 CONSTITUTION AND SECTION 7(1)(a) and (f) OF THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSICE ACT, 1993 (ACT 456)

AND

IN THE MATTER OF THE ALLEGATIONS OF CONFLICT OF INTEREST, CORRUPTION AND ABUSE OF POWER BROUGHT AGAINST PUBLIC OFFICERS AND A PRIVATE CITIZEN

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ACCRA - **RESPONDENTS**

DECISION

Old Parliament House, Accra /P.O.Box AC 489, Accra, Ghana / Ghana + 233 302 662150/ 668839/ 664267/ 664561
www. chraj.gov.gh

1.0 INTRODUCTION AND BACKGROUND

The Complainant and the 3rd Respondent herein are a private citizen and a businessman respectively whilst the 1st and 2nd Respondents are who may be described, as the number one and two-gentleman and lady respectively of the Republic of Ghana who were elected as President and Vice-President of the Republic Ghana on the 7 December 2024. The 3rd Respondent is also a brother of the 1st Respondent.

This complaint concerns matters antecedent to the assumption of office by the 1st and 2nd Respondents as President and Vice-President respectively relating to the use of a private jet belonging to the 3rd Respondent. Following his election, the 1st Respondent had been using the said private jet for travels. Nobody, including the Complainant raised any concern; maybe for good reasons, because the 1st Respondent was still a private citizen, albeit an elected one waiting to assume office as a public officer.

However, it is the continuous use of this private jet by the 1st Respondent for Presidential travels and the 2nd Respondent for medical treatment outside the country following their assumption of public office, and the acquisition by the 3rd Respondent of a gold mine called "the Damang Mine" that triggered the instant complaint dated 20 May 2026 and lodged in this Commission on the same date.

The Complainant requested the Commission by way of reliefs to undertake the following:

a. **commence a full-scale investigation into the circumstances surrounding the approval and takeover process;**
b. **obtain and review all Cabinet memoranda, minutes, recusals, declarations of interest, and related correspondence connected to the transaction;**
c. **investigate the circumstances surrounding the provision and use of the private jet allegedly belonging to Mr. Ibrahim Mahama for presidential, vice-presidential, and official travels, including whether any public funds, concessions, benefits, or reciprocal arrangements are connected thereto;**
d. **determine whether constitutional or ethical breaches occurred;**
e. **recommend appropriate sanctions or remedial measures where violations are established; and**

f. take any further steps necessary in the public interest and in furtherance of constitutional accountability.

2.0 THE ALLEGATIONS

Despite, the convoluted nature of the complaint which we intend to reproduce shortly hereunder, it appears that the complaint brought against the Respondents may be simplified as follows:

1. That the 3rd Respondent acquired a gold mine called "the Damang Mine".
2. That the acquisition of Damang Mine by the 3rd Respondent received approval from Cabinet, a body chaired by the 1st Respondent whose biological brother is the 3rd Respondent.
3. That the Complainant is not sure whether the President participated in, influenced, supervised, or in any manner presided over deliberations relating to this transaction which has benefitted directly or indirectly the 3rd Respondent.
4. That the 1st Respondent continues to use the private jet belonging to the 3rd Respondent for Presidential travels since his assumption of office.
5. That the use of the private jet is grave and a matter of public concern.
6. That the 3rd Respondent facilitated the airlifting arrangement of the 2nd Respondent outside the country when the latter was sick and required urgent medical attention.
7. That the allegations in paragraphs 3 – 6 above raise legitimate constitutional and ethical concerns regarding undue influence, preferential access, dependency, reciprocity and the possible blurring of the distinction between public office and private interests.
8. That the transaction in allegation 2 above could not have been made without the direct involvement, participation, or approval of the 1st Respondent/President whose brother, the 3rd Respondent stands as a beneficiary of the impugned transaction.
9. That paragraph 8 above raises serious issues of conflict of interest against the Respondents.

In sum, this complaint addresses two (2) main matters:

1. The acquisition of the Damang Mine by the 3rd Respondent, and
2. The use of the private jet of the 3rd Respondent by the 1st and 2nd Respondent.

For ease of appreciation of the trajectory of this case, we have found it necessary to set out in *extenso* and italics, the full complaint as follows:

> *"20 MAY 2026*
>
> *THE COMMISSIONER*
> *COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE*
> *ACCRA*
>
> *Dear Sir,*
> ***PETITION FOR THE INVESTIGATION OF HIS EXCELLENCY JOHN DRAMANI MAHAMA IN RESPECT OF ALLEGED CONFLICT OF INTEREST AND ABUSE OF OFFICE IN RELATION TO THE TAKEOVER OF THE DAMANG MINE BY MR. IBRAHIM MAHAMA***
>
> *I respectfully petition your noble office pursuant to Articles 218(a) and 284 of the 1992 Constitution of the Republic of Ghana and the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456), to investigate circumstances surrounding the reported takeover and/or acquisition of the Damang Mine by Mr. Ibrahim Mahama, brother of H.E. President John Dramani Mahama.*
>
> *This petition is premised on serious concerns of conflict of interest, abuse of executive influence, and the possible use of public office for private family advantage contrary to Article 284 of the Constitution.*
>
> *I am informed and verily believe that the takeover process received approval from Cabinet. It is a matter of public record and constitutional fact that Cabinet is chaired by the President, H.E. JohnDramani Mahama, whose biological brother, Mr. Ibrahim Mahama, is alleged to be the beneficiary of the said transaction.*
>
> *The central concern arising from these facts is whether the President participated in, influenced, supervised, or in any manner presided over deliberations relating to a transaction from which his close family member directly or indirectly benefited.*
>
> *Further, I respectfully state that an additional matter of grave public concern has arisen in relation to the continuous use by the President of a private jet reportedly owned, controlled or made available by his brother, Mr. Ibrahim Mahama, for official and presidential travels since assuming office.*
>
> *It has also been publicly reported that when the Vice President was taken ill and required urgent transportation outside the country for medical attention, it was Mr. Ibrahim Mahama who facilitated the airlifting arrangement through the provision of private aviation support.*

While humanitarian assistance may not in itself constitute wrongdoing, the continuous provision of private logistical and aviation support to the highest offices of the Republic by an individual who is simultaneously alleged to be benefiting from government-related transactions raises legitimate constitutional and ethical concerns regarding undue influence, preferential access, dependency, reciprocity, and the possible blurring of the distinction between public office and private family interests.

The concern is therefore not merely whether any direct financial benefit accrued, but whether the prevailing circumstances create a reasonable perception that official decisions of the President or the Executive may be compromised, influenced, or appear to be influenced by personal or familial considerations contrary to the spirit and letter of Article 284 of the Constitution, which imposes a duty on public officers to avoid situations likely to give rise to conflicts between personal interests and official responsibilities.

In particular, the repeated acceptance and use of such private benefits, facilitation, or logistical support from a close relative who is simultaneously involved in transactions requiring governmental approval raises serious questions as to whether constitutional safeguards relating to impartiality, accountability, integrity, and ethical governance have been sufficiently complied with.

It is also not in dispute that the said transaction received the tacit approval of Cabinet, which is ordinarily chaired by the President. Indeed, in February 2025, the Majority Leader, Mahama Ayariga publicly asserted that Cabinet decisions are ultimately taken by the President upon the advice of Ministers who constitute Cabinet.

In the circumstances, it is my respectful contention that such a decision could not have been made without the direct involvement, participation, or approval of the President, whose brother stands as the beneficiary of the impugned transaction, thereby giving rise to serious issues of conflict of interest against the President.

Accordingly, the following questions arise for determination by your office:

1. *Whether the President declared any personal or family interest in the matter before Cabinet considered or approved the takeover arrangement;*
2. *Whether the Cabinet approval process complied with constitutional standards of transparency, accountability, and avoidance of conflict of interest;*
3. *Whether any public officials improperly used their offices to facilitate preferential treatment, regulatory advantage, or access in favour of Mr. Ibrahim Mahama or any associated entity;*
4. *Whether the continuous use of a private jet allegedly belonging to Mr. Ibrahim Mahama for presidential and official travels creates a situation of actual, potential, or apparent conflict of interest inconsistent with Article 284 of the Constitution*
5. *Whether the provision of private aviation facilitation by Mr. Ibrahim Mahama in connection with the medical transportation of the Vice President creates constitutional or ethical concerns relating to executive dependency, preferential access, or undue influence; and*

6. *Whether the totality of the circumstances surrounding the transaction and the relationship between the President and Mr. Ibrahim Mahama offends constitutional principles governing public trust, integrity, accountability, and ethical governance.*

This matter raises substantial public interest concerns because it touches directly on the integrity of executive decision-making, public confidence in governance, and the constitutional obligation imposed on public officers to avoid situations that create actual or apparent conflicts between official duties and private family interests.

I therefore respectfully pray your office to:

g. *Commence a full-scale investigation into the circumstances surrounding the approval and takeover process;*
h. *Obtain and review all Cabinet memoranda, minutes, recusals, declarations of interest, and related correspondence connected to the transaction;*
i. *Investigate the circumstances surrounding the provision and use of the private jet allegedly belonging to Mr. Ibrahim Mahama for presidential, vice-presidential, and official travels, including whether any public funds, concessions, benefits, or reciprocal arrangements are connected thereto;*
j. *Determine whether constitutional or ethical breaches occurred;*
k. *Recommend appropriate sanctions or remedial measures where violations are established; and*
l. *Take any further steps necessary in the public interest and in furtherance of constitutional accountability.*

I trust that your office will treat this matter with the urgency and seriousness it deserves in order to uphold public confidence in constitutional governance and the rule of law. All correspondence must be via the email provided.

Respectfully submitted.

SIGNED

EMMANUEL SENYO AMEKPLENU
EMAIL: esamekplenu@gmail.com
0247232387
PETITIONER
DATED THIS 20TH DAY OF MAY 2026."
(emphasis supplied)

3.0 MANDATE OF THE COMMISSION

As noted supra, this is a complaint inviting the Commission to investigate allegations of abuse of power, corruption and conflict of interest against the Respondents herein. A cursory reading of the **1992 Constitution** and the **Commission on Human Rights and Administrative Justice Act,1993 (Act 456)** provisions which have been cited by the Complainant, show that the mandate of the Commission to investigate the said allegations has been textually given to it by the said provisions.

Articles 218(a) and (e), 284 and 287 of the Constitution provide that:

> **Functions of the Commission**
> **218. The functions of the Commission shall be defined and prescribed by Act of Parliament and shall include the duty-**
> **(a) to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties...**
>
> **(e) to investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General resulting from such investigations**
>
> **284. A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office**
>
> **Complaints of contravention**
> **287. (1) An allegation that a public officer has contravened or has not complied with a provision of this Chapter shall be made to the Commissioner for Human Rights and Administrative Justice and, in the case of the Commissioner for Human Rights and Administrative Justice, to the Chief Justice who shall unless the person concerned makes a written admission of the contravention or non-compliance cause the matter to be investigated.**
>
> **(2) The Commissioner for Human Rights and Administrative Justice or the Chief Justice as the case may take such action as he considers appropriate in respect of the results of the investigation or the admission** (emphasis supplied).

It is trite law that the 1st and 2nd Respondents are public officers. Indeed, they are holders of the highest public offices in Ghana and are therefore amenable to investigations under Article 218(a) and 284 of the Constitution. Not surprisingly, Counsel for the 1st and 2nd Respondents, the learned Attorney-General and Minister for Justice Dr Dominic Akuritinga Ayine has not raised any objection to the jurisdiction of the Commission to conduct investigations into the allegations brought against them when he submitted comments on the complaint for and on their behalf. Rather, the 1st and 2nd Respondents like the 3rd Respondent prayed for a dismissal of the complaint, an indication *sub silentio* that they preferred that same are investigated on the merits. These comments will be referred to shortly.

Although the 3rd Respondent has also submitted his comments on the complaint without raising any preliminary legal objection, the Commission deems it appropriate to address specifically whether he is amenable to investigations under the stated provisions.

Article 295 of the Constitution defines the phrase "public office" to include "an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament". A "public officer" is defined in Article 288 of the Constitution to mean "a person who holds a public office".

The 3rd Respondent is not a holder of a public office. He is not being paid any emoluments out of monies drawn from the consolidated fund, or monies provided by Parliament, neither is he an occupant of an office in a public corporation. Therefore, prima facie, he cannot be subject to investigations under the stated provisions of conflict of interest, abuse of power and corruption by this Commission.

However, it is trite law that this Commission has the mandate to investigate private individuals if they are implicated in corruption alongside public officials. See the case of **Commission on Human Rights and Administrative Justice v. The Attorney-General and Baba Kamara** [2012] 36 MLRG 177 SC.

In this case, the Commission sought to investigate allegations linking a businessman, Baba Kamara (later Ghana's High Commissioner to Nigeria) to the UK Serious Fraud Office's prosecution of the British engineering firm, Mabey & Johnson. The Respondent, Baba Kamara raised a preliminary objection to the jurisdiction of the Commission and refused to appear before it arguing that Article 218(e) of the 1992

Constitution limited the Commission's anti-corruption mandate strictly to public officials and as he was a private citizen at the time of the alleged events the Commission had no jurisdiction to investigate him. In a unanimous decision, the Supreme Court presided over by Justice Sophia Akuffo JSC, (as she then was), rejected a narrow literal interpretation of the Constitution and held that drawing artificial boundaries would frustrate the Commission's duties and that investigating enmeshed private actors is necessary to uncover the true depth of corruption involving public officials.

The Complainant has alleged, as the Commission understands him, that the continuous provision of private logistical and aviation support to the 1st and 2nd Respondents by the 3rd Respondent who is simultaneously alleged to be benefiting from government-related transactions raises issues of undue influence, preferential access, dependency, reciprocity, and the possible blurring of the distinction between public office and private family interests. He has also contended that this conduct raises serious questions as to whether constitutional safeguards relating to impartiality, accountability, integrity, and ethical governance have been sufficiently complied with. In the Commission's considered view, these allegations are species of corruption affecting all the Respondents which the Commission is mandated to investigate under Articles 218(a) and (e) and 284 of the Constitution.

3.0 COMMENTS OF RESPONDENTS

3.1 1st AND 2nd RESPONDENTS

On 29 May 2026, this Commission by letters Ref. No. CHRAJ/2910/2026/269 requested the Respondents to submit their comments on the complaint to the Commission.

The 1st and 2nd Respondents submitted their comments through the Attorney-General and Minister for Justice vide letter Ref. No. AGD/CDR/9/25 of 23 June 2026 whilst the 3rd Respondent submitted his comments through his Lawyer, Bobby Banson Esq. of Robert Smith Law Group on the 01 July 2026. All the Respondents denied any wrongdoing in the allegations raised by the Complainant and requested the Commission to dismiss the Complaint.

1st and 2nd Respondents said that the complaint is without any legal foundation and should be dismissed. They alleged that that the Complainant is a member of the New Patriotic Party (NPP) and that there is a political context to the complaint. That the allegations are based entirely on speculation and conjecture. They referred to the

Guidelines on Conflict of Interest issued by this Commission and its application thereof in the case of **Arnold Agbodo v. Prof. Frimpong Boateng** adding that the law on conflict of interest is not a blanket one but operates within a context. That on the face, the complaint is founded on suspicion not facts. That the 1st and 2nd Respondents have not contravened Article 284 nor have they abused their powers. 1st and 2nd Respondents then gave a chronology of the acquisition by 3rd Respondent of the Damang Mine. They contend that the process of the divestment started during the era of the erstwhile New Patriotic Party Government when the former Minister for Lands and Natural Resources acting on the recommendation of the Minerals Commission issued a "no objection" letter to the application by Engineers and Planners (E&P), a company owned by 3rd Respondent to explore the potential takeover of the Damang Concession. That the letter gave a fiat for E&P to begin negotiations with Goldfields Ghana Ltd over the prospective acquisition. That the 1st Respondent could not have influenced a process over which he had no authority and more so, when he was not a public official. That the subsequent processes leading up to the grant of the concession to the 3rd Respondent's company was competitive, transparent and independent of the Presidency and that this was done by the Minerals Commission which evaluated four bidders including E&P on merit through a Tender Evaluation Committee established under Reg. 261 of the Minerals and Mining (Licensing) Regulations, 2012 (LI 2176). That the 1st Respondent did not participate, influence, direct, or intervene in the Minerals Commission evaluation and selection of the 3rd Respondent's Company. That the mere fact that the 3rd Respondent/successful bidder is associated with a relative of the President does not without more create a conflict of interest. The Respondents cited the case of **Arnold Agbodo v. Prof. Frimpong Boateng** to back their claim.

1st and 2nd Respondents denied the allegation of alleged preferential treatment or regulatory advantage to the 3rd Respondent indicating that the Complainant identified no official, or action nor a departure from established law, procedure or practice or irregularity to favour a third party relative to the Damang concession as the Complainant ought to have done and that the Damang transaction followed established institutional channels. Respondents concluded that the allegation has no factual basis and is just a mere conjecture.

In respect of the consideration by Cabinet of the matter, Respondents indicated that Cabinet did not grant, approve, endorse or ratify the grant of the Damang Concession

to E&P or to any other entity. Respondents however admitted that Cabinet discussed the matter and took the position that the concession should be subjected to a competitive bidding, consistent with government's commitment to transparency, fair dealing and the rule of law in the management of the nation's resources. That the 1st Respondent did not attend nor preside over the Cabinet meeting during this discussion which was rather presided by the 2nd Respondent/Vice-President. That Article 284 of the Constitution was not breached.

On the use of 3rd Respondent's Aircraft for Presidential travels, 1st and 2nd Respondents indicated that the aircraft was made available to the President for official state travels and he did this accompanied by state officials to discharge state functions and that this benefit is to the State and not to the President personally. That the free use of the aircraft is a facility made available to the Republic of Ghana which is relieved of the cost of chartering equivalent aircraft for Presidential travels and that Article 284 and the **Guidelines on Conflict of Interest** address personal interests that conflict with official functions adding that a facility that serves the State and the public purse does not flout them. That even if the use were treated as a personal gift, the Guidelines will not prohibit it relying on Section 3.7.2 of the Guidelines under which public officials can accept gifts from family members on the basis only of that relationship i.e where the gift does not appear to influence the performance of official duties. That there is no nexus between the use of the Aircraft and any official act including the Damang concession.

On the aviation support to 2nd Respondent's medical emergency, Respondents indicated that the aircraft was used in March 2025 for the transportation of the 2nd Respondent/Vice-President who suddenly fell ill and required urgent medical attention. That there was no prior arrangement, no negotiation, no conditionality and that the evacuation was unrelated to the Damang transaction, to E&P, to any official act of the 2nd Respondent and to any matter before government. That the Damang matter did not come before Cabinet until 2026 and the said aviation support therefore preceded Cabinet's consideration of Damang. In the circumstance, the evacuation cannot be characterized as a quid pro quo or as evidence of reciprocity when the emergency occurred before Damang came before Cabinet. That the 2nd Respondent did not solicit, request or arrange the aviation support as consideration for any official act.

Concluding, the 1st and 2nd Respondents indicated that they have at all material times conducted themselves in accordance with the 1992 Constitution and the laws of the Republic and that the allegations are unfounded, unsupported by evidence and disclose no breach of law or ethics warranting further investigations. Respondents relied on the case of **Okudzeto Ablakwa & Another v. Attorney-General & Obetsebi-Lamptey (No.2) [2012] 2 SCGLR 845** and contended that the conflict of interest must be examined in the light of clear facts, and that the Commission's mandate under Article 218 is exercised based on facts and evidence and not speculation. That the Complainant has not offered any facts and therefore his complaint should be dismissed in its entirety.

The said comments are reproduced in extenso as follows:

23rd June 2026

THE COMMISSIONER
COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
OLD PARLIAMENT HOUSE,
PROF. ATTA MILLS HIGH STREET, ACCRA, GHANA

Dear Commissioner,

RE: RESPONSE TO PETITION BY EMMANUEL SENYO AMEKPLENU AGAINST HIS EXCELLENCY THE PRESIDENT AND HER EXCELLENCY THE VICE-PRESIDENT OF THE REPUBLIC OF GHANA (CHRAJ/2910/2026/26)

We write as lawyers for His Excellency, the President of the Republic of Ghana, and Her Excellency, the Vice-President of the Republic of Ghana, and have their joint and several instructions to respond to the Commission's letter dated 29th May 2026, reference CHRAJ/2910/2026/26, requesting comments on the above petition.

We have reviewed the petition filed by Mr. Emmanuel Senyo Amekplenu, and the allegations it contains. This response addresses each allegation in turn. It demonstrates that no violation of the 1992 Constitution, any law, or any ethical obligation has occurred. In short, the petition is without any legal foundation and should be dismissed by the Commission.

1.0 Introduction and Preliminary Observations

As a preliminary matter, we observe that the Petitioner is described on several news portals as a member of the New Patriotic Party's Communications Team. Though as a Ghanaian citizen the Petitioner is entitled to bring this petition, the political and partisan contexts of the petition cannot be lost on any neutral third-party adjudicator.
Therefore, we deem it extremely important to draw the Commission's attention to the political context in which he brings this petition.

The allegations of conflict of interest and abuse of office contained in the petition are based entirely on speculation and conjecture. They also demonstrate the Petitioner's gross misunderstanding of the constitutional, statutory, and regulatory contexts that govern the specific actions the Petition alleges to have contravened the law.

The Petitioner relies on Article 284 of the 1992 Constitution, which provides that a public officer "shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office." He also invokes general principles against corruption, abuse of office, and preferential treatment.

The CHRAJ Guidelines on Conflict of Interest, issued on 6th December 2006, are built upon Article 284. The General Rule on conflicting financial interest provides:
"A public official shall not participate in an official capacity in any particular matter in which, to his knowledge:

- *(i) he or she has a financial interest; and*
- *(ii) any person whose interest is imputed to him in any way has a financial interest, if the particular matter will have a direct effect on that interest."*

The Guidelines, therefore, turn on a financial interest, not on a relational interest standing alone. They cover the financial interests of relations, or of any person whose interest is capable of being imputed to the public officer. The Guidelines also provide that a conflict of interest arises only where the promotion of a private interest both interferes with the objective exercise of the officer's duties and confers an improper benefit or advantage by virtue of his position.

The Commission has had occasion to apply these principles. In ***Arnold Agbodo v. Prof. Frimpong Boateng (Case No. 49/2019),*** *the Commission, relying on its earlier decision in the SSNIT case involving Multimedia Limited and Charles Kwame Asare, held that:*

> *"A public official breaches this provision not only where there is actual conflict of interest but also where there is a likelihood of conflict of interest. Where there is already in existence a personal relationship between a public officer and another person or between their respective institutions or companies, there is an onerous responsibility on the public officer to ensure that all future transactions between the two persons or institutions are conducted with utmost transparency and in such a manner as to avoid suspicion of any improper motive or conduct."*

The Commission added that the law on conflict of interest is not a blanket one but operates within context. A financial or relational interest, standing alone, does not place an officer in conflict. The officer must put himself in a position where his private interest conflicts, or is likely to conflict, with his official duties.

On its face, the petition is founded on suspicion and not on fact. The Petitioner states that he is "informed and verily believes." He describes matters as "alleged," "reportedly," and

"publicly reported." He frames the question as "not merely whether any direct or indirect financial benefit accrued, but whether the prevailing circumstances create a reasonable perception" of compromise.

The President's position is straightforward. He has not contravened Article 284. He has not abused the powers of his office. He has not engaged in or facilitated any act of corruption. The Vice-President states the same. She has not contravened Article 284, has not abused the powers of her office, and has not engaged in or facilitated any act of corruption.

The allegations rest on inference, speculation, and the bare fact of a family relationship in the case of the President. They do not disclose a contravention of Chapter 24 of the Constitution. This response addresses, in turn:

(a) the grant of the Damang Mine concession;
(b) the alleged preferential treatment of Mr. Ibrahim Mahama and E&P;
(c) Cabinet's consideration of the matter;
(d) the President's use of the aircraft associated with Mr. Ibrahim Mahama; and
(e) the aviation support for the Vice-President's medical emergency.

2.The Damang Mine Concession

Allegation: *The Petitioner alleges that the grant of the Damang Mine concession to Engineers & Planners ("E&P"), an entity associated with Mr. Ibrahim Mahama, the brother of His Excellency the President, raises issues of conflict of interest and abuse of office.*

Response: *The chronology of the grant of the Damang Mining Concession answers this allegation. The Damang Mine was previously operated by Goldfields Ghana Limited ("Goldfields") under a mining lease that expired in April 2025. Before that lease expired, Goldfields issued a demobilisation notice signalling its intention to wind down operations at Damang. After discussions between senior executives of E&P and Goldfields in Accra, E&P applied to the Government of Ghana in 2024 for a "no-objection" letter to explore a potential takeover of the Damang Concession.*
The previous NPP administration initiated and approved that first step. On 12th March 2024, the then Minister for Lands and Natural Resources, Hon. Samuel Abu Jinapor, acting on a recommendation from the Minerals Commission, issued a "no-objection" letter. The letter authorised E&P to begin negotiations with Goldfields over the prospective acquisition. At that time, His Excellency President Mahama was not the President. He was not a member of the Government. He exercised no executive authority. Officials of the then-ruling NPP, the party to which the Petitioner belongs, made that decision.

This chronology is decisive. The Petitioner's case rests on the proposition that the President may have used his office to secure a concession for a company associated with his brother. The foundation of E&P's involvement, the no-objection letter, was laid before the President took office. He could not have influenced a process over which he had no authority and indeed was not a public officeholder strictly and properly so called.

The subsequent processes resulting in the grant of the Damang Concession which occurred when the President assumed office were competitive, transparent and independent of the Presidency. After the change of government, the Minerals Commission conducted a competitive process to grant the concession. The Commission evaluated four shortlisted bidders on merit through a Tender Evaluation Committee. The Minerals Commission established that Committee under Regulation 261 of the Minerals and Mining (Licensing) Regulations, 2012 (LI 2176), in the exercise of its independent statutory mandate under the Minerals Commission Act, 1993 (Act 450). E&P was one of the four bidders.

The President did not participate in, influence, direct, or intervene in the Commission's evaluation or selection. The Minerals Commission has publicly confirmed the integrity and independence of the process.

We are of the considered opinion that Article 284 is therefore not triggered in relation to the Damang Concession. The process began under the previous government, an independent statutory body administered it, and a competitive evaluation concluded it. The mere fact that the successful bidder is associated with a relative of the President does not, without more, create a conflict of interest. To hold otherwise would impose a constitutional disability on every Ghanaian related to a public officer. The 1992 Constitution provides no basis for that. It would also require the Commission to attribute influence, after the fact, to a man who held no office when the process began.
The Commission reached the same conclusion in Arnold Agbodo v Prof. Frimpong Boateng. It found no conflict of interest where the officer was not part of the body that made the decision, and where the relevant act occurred when he was not a public officer. Both features are present here.

3. Alleged Preferential Treatment or Regulatory Advantage

***Allegation**: The Petitioner alleges that public officials may have used their offices to grant Mr. Ibrahim Mahama or E&P preferential treatment, regulatory advantages, or privileged access in the Damang transaction.*

***Response:** A claim of preferential treatment requires evidence that a named official took a specific action, in the exercise of official authority, that departed from established law, procedure, or practice, in order to favour a party. The Petitioner identifies no official, no action, and no departure.*

Every step of the Damang transaction followed established institutional channels. E&P sought the no-objection letter by proper application. The Minerals Commission evaluated it. The Minister for Lands and Natural Resources issued it in March 2024, under the previous administration. The Minerals Commission then administered the competitive process under its statutory mandate. It granted the concession after evaluating four shortlisted bidders on their merits through the Tender Evaluation Committee under LI 2176. At no point was the regulatory procedure bypassed, modified, or set aside for the Damang Concession to be granted to E&P.

The Petitioner identifies no irregularity. That failure is fatal to the allegation. No credible evidence suggests that any external influence, from the Presidency or any other official quarter, was brought to bear on the Commission's decision. The allegation has no factual basis, and is just mere conjecture.

4.Cabinet's Consideration of the Matter

Allegation: *The Petitioner alleges that the President presided over or influenced a Cabinet meeting that approved the Damang concession for E&P.*

Response*: The allegation is factually false. Cabinet did not grant, approve, endorse, or ratify the grant of the Damang concession to E&P or to any other entity.*
To the extent that Cabinet discussed the matter, it took the position that the concession should be subject to a competitive process. That advice was consistent with the Government's commitment to transparency, fair dealing, and the rule of law in the management of the nation's mineral resources.

The President did not attend or preside over the Cabinet meeting at which the matter was discussed. Her Excellency, the Vice-President presided in his absence. Notice of the meeting was duly given to all Cabinet Ministers in accordance with established procedure. Supporting documents were circulated in advance. The meeting was conducted in full compliance with the applicable rules.

No conflict of interest, actual or apparent, arose. The President did not preside or attend. Cabinet did not approve a concession for E&P. Cabinet's advice was for a competitive process to be undertaken. The President absented himself from deliberations touching a matter involving a family member. That is the conduct Article 284 demands, not the conduct it prohibits.

1. ***Use of the Aircraft ("Dzata") for Presidential Travel***

Allegation*: The Petitioner alleges that the President's use of an aircraft associated with Mr. Ibrahim Mahama constitutes a conflict of interest and the receipt of an improper gift.*

Response*: The aircraft has been made available to the President for official state travel. When the President travels on it, he does so as Head of State, accompanied by State officials, to discharge state functions.*

The benefit is to the State, not to the President personally. The free use of the aircraft is a facility to the Republic of Ghana, which is relieved of the cost of chartering or acquiring equivalent aircraft for presidential travel. The distinction between a benefit to the State and a gift to a public officer personally is material. Article 284 and the Guidelines address personal interests that conflict with official functions. A facility that serves the State and the public purse does not flout them.

Even if the use were treated as a personal gift, the Guidelines would not prohibit it. Section 3.7.2, headed Non-Prohibited Gifts, provides that a public official may accept the following gifts "where it will not appear to influence or result in influencing the performance of official duties":

(i) unsolicited gifts of souvenirs; and
(ii) gifts from family members on the basis only of that relationship.

The aircraft is associated with the President's brother. Any gift would therefore originate from a family member. The exemption applies where the gift does not appear to influence the performance of official duties. That condition is met here. The State incurs no cost, which confirms that the arrangement rests on a familial relationship and the donor's wish to support the State, not on any expectation of official favour. There is no quid pro quo, no expectation of preferential treatment, and no nexus between the use of the aircraft and any official act, including the Damang concession.

The use of the aircraft therefore creates no conflict between the President's personal interests and his official functions. He derives no personal financial benefit. The State benefits from reduced travel costs.

2. *Aviation Support for the Vice-President's Medical Emergency*

***Allegation**: The Petitioner alleges that the provision of aviation support for the Vice-President's medical transportation was an improper benefit, giving rise to concerns of undue influence, preferential access, dependency, reciprocity, and a blurring of public office and private family interest.*

***Response**: The circumstances were an emergency. In March 2025, Her Excellency the Vice-President fell suddenly ill and required urgent medical transportation to the United Kingdom for treatment. The use of the available aircraft, Data, in those circumstances was a response to a medical emergency on humanitarian grounds.*

A sudden illness requiring immediate evacuation admits of no prior arrangement, no negotiation, and no conditionality. The evacuation was unrelated to the Damang transaction, to E&P, to any official act of the Vice-President, and to any matter before the Government. To treat emergency medical assistance as evidence of corruption is to attribute an improper motive to a humanitarian act without any evidence.

The chronology confirms the point. The Damang matter did not come before Cabinet until 2026. The aviation support for the Vice-President's medical emergency, therefore, preceded Cabinet's consideration of Damang. The Petitioner cannot credibly characterize the evacuation as a quid pro quo, or as evidence of reciprocity, when the emergency occurred before the Damang matter was before the Government. The chronology defeats any suggestion of a transactional link between the two events.

The Vice-President did not solicit, request, or arrange the aviation support as consideration for any official act. No favour was granted. No preferential treatment was extended. No quid pro quo existed or was contemplated, and consequently, the allegation has no merit.

3. Conclusion

For the reasons set out above, we respectfully submit that:

(a) the Damang Mine concession was granted through a competitive process administered by the Minerals Commission; the decision to award the Damang Concession to E&P was not a Cabinet decision, it was taken by the Minerals Commission with the approval of the Minister for Lands and Natural Resources. This followed a directive by Cabinet that the grant of the concession be subjected to a transparent and competitive process.

(b) As a matter of record, the President did not preside over the relevant Cabinet meeting that issued the directive. This fact may be ascertained from the Cabinet Secretariat;

(c) the use of the aircraft associated with Mr. Ibrahim Mahama is a facility to the State, not a personal gift to the President, and creates no conflict of interest; the aviation support for the Vice-President's medical transportation was a humanitarian response to a medical emergency, unrelated to any official act or to the Damang transaction; and

(d) no violation of Article 284 of the 1992 Constitution, or of any statute, regulation, guideline, or ethical obligation, has occurred.

His Excellency the President and Her Excellency the Vice-President have at all material times conducted themselves in accordance with the 1992 Constitution and the laws of the Republic. The allegations in the petition are unfounded. They are unsupported by evidence. They disclose no breach of the law or ethics warranting further investigation.

The Supreme Court has held that a conflict of interest allegation "must be examined in the light of clear facts which support a conclusion that a public officer's personal interest conflicts with or is likely to conflict with the performance of the functions of his or her office," and that the interest, "financial or otherwise, direct or indirect," must" ultimately be clearly proven" [See Okudzeto Ablakwa (No. 2) & Another v Attorney-General & Obetsebi-Lamptey (No. 2) (2012) 2 SCGLR 845, as cited in Arnold Agbodo v Prof. Frimpong Boateng]. The Commission's mandate under Article 218 is exercised based on facts and evidence, not speculation.

The use of weighty language, invocation of conflict of interest, abuse of office, and corruption do not relieve the Petitioner of the duty to substantiate his allegations with facts. In the instant case, the Petitioner offers none. As a result, the allegations amount to bare

and unproven assertions dressed in constitutional language. The Commission should not lend its authority to such an exercise.

We therefore respectfully invite the Commission to dismiss the petition in its entirety.

Yours in the Service of the Republic,

DR. DOMINIC AKURITINGA AVINIE
ATTORNEY-GENERAL AND MINISTER FOR JUSTICE
(For and on behalf of His Excellency, the President and Her Excellency, the Vice-President of the Republic of Ghana) as follows;

His Excellency, the President of the Republic of Ghana

Her Excellency, the Vice-President of the Republic of Ghana

3.2 3rd RESPONDENT

The comments of the 3rd Respondent were submitted to the Commission in two (2) separate documents, the first a forwarding letter and the second, the comments themselves in a nine-page document setting out the full title of the matter and signed by Counsel for 3rd Respondent.

The 3rd Respondent described the complaint as being devoid of substance and candor. He gave the track record of E&P which he claimed is a wholly owned Ghanaian company incorporated in 1997 with 3rd Respondent as a beneficial owner. That the Company has been working in the mining space since 1997. That in 2017, 2019 and 2022, E&P was awarded multi-million-dollar contracts in mining. That in 2019, E&P was awarded a contract by Goldfields to provide contract mining for the Damang for the period of the lease of the concession. That during these periods, the New Patriotic Party (NPP) and not the 1st and 2nd Respondents was in power and therefore the argument that the dominance of E&P is tied to the political fortunes of the 1st Respondent is not only flawed but undermines the business acumen of the 3rd Respondent, the collective efforts of the Board of Directors, management and over 6,000 workforce of the company. That when Goldfields was rounding up its operations in Damang in February 2026, it recommended E&P to government as the company with capacity to continue operating the mine.

On the acquisition of the Damang Mine, 3rd Respondent indicated that E&P used to be a sub-contractor to other contractors who were awarded contracts by Goldfields but later acquired capacity to be a direct contractor over time and that in 2019, E&P was awarded the sole mining contract for the provision of mining services to the Damang concession in 2019. That in 2024, E&P approached Goldfields to acquire Damang after Goldfields had demobilized. That E&P upon demand from Goldfields obtained a "no objection letter" from government of Ghana on 12 March 2024 to finalise talks for the acquisition. That this "no objection" was obtained from the NPP administration at which time, 1st and 2nd Respondents were not in government. That Goldfields rather applied for a lease renewal with an expiry date of 18 April 2025 instead of consummating the transaction to sell its interest. That this application was refused on the basis that Goldfields had not satisfied the statutory and regulatory requirements for renewal. That Goldfields did not challenge the non-renewal of the lease but rather executed a one-year extension of the lease following which it will hand over the concession to government. That in March 2026, government of Ghana invited bids for wholly owned Ghanaian companies to acquire Damang. That E&P bided among other companies and was successful. That the concession was handed over to E&P to operate at a time when the lease to Goldfields expired.

On the use of the aircraft, he indicated that the aircraft had been made available on non-commercial basis to individuals from diverse political background as well as ordinary Ghanaians requiring transportation for emergency medical, humanitarian or business purpose. He described as unfounded the allegation that the occasional use of the aircraft has conferred any improper advantage or business benefit on the 3rd Respondent. That the use by the 1st Respondent of the Aircraft has only occurred in circumstances where the state aircraft has been "unavailable or where other operational considerations arose". That the assistance has been offered without the expectation of consideration, favour or reciprocal benefit. That the President has on numerous occasions utilized the official state aircraft for his travels, demonstrating that the use of E&P aircraft is neither exclusive nor routine. 3rd Respondent also contended that the assistance offered to facilitate emergency medical evacuation of the 2nd Respondent was motivated solely by humanitarian considerations and the urgent medical circumstances involved. That it is regrettable that this act of goodwill is being portrayed as evidence of impropriety and undue influence. That this assistance does not raise any conflict of interest situation.

On the issue of whether there is conflict of interest, or abuse of office or corruption, 3rd Respondent relying on Articles 284 and 268 of the 1992 Constitution, the **Minerals and Mining Act, 2006(Act 703)** and the decision of this Commission in the cases of **Richard Anane,** and **Multimedia Ltd and Charles Kwame Asare** addressed this issue in the negative. He reiterated that 1st and 2nd Respondents did not play any role in the evaluation, recommendation or approval of processes leading to the grant of mineral rights to the 3rd Respondent neither were they in position to influence, direct or determine the award of the Damang Concession to the 3rd Respondent or any company associated with him. 3rd Respondent also reiterated that discussions on the acquisition of the Damang Mine predated the assumption to office of the 1st and 2nd Respondents. He also indicated that acquisition of a mineral right in Ghana is subject to ratification by Parliament. He described the process leading to the grant of the Damang concession to the 3rd Respondent as being transparent, namely, that there was a public tender by the Minerals Commission, the results of which were televised live on National TV; that E&P was announced to have won the bid and that 1st and 2nd Respondents played no role. In conclusion, 3rd Respondent requested the Commission to dismiss the claim against him.

3rd Respondent attached copies of the following documents to his comments:

1. Company Profile of E&P Ltd dated 07 January 2026 from the Registrar-General's Department. Date of Incorporation of E&P is 17 February 1997 whilst the date of commencement of business is 01 August 1997. Company Registration No. is CS182182017. Six (6) persons are listed as Directors of E&P to wit: **Adi Ayitevie, Amidu Ahmed Sulemana, Ernest Akwasi Adade Mintah, Hamid Majeed Abudu, Kwadwo Aboagye Atta** and **Seth Stephen Fiati.** The Sole shareholder is **Dzata Group Holdings Ltd** with TIN C0066367182. We have marked this document as **Exhibit IBM.**

2. Agreement executed between Goldfields Ghana Ltd and E&P with Company Number C-72637. The agreement is dated 23 March 2018 and it is signed by 3rd Respondent as CEO of E&P and Lindloy DLTBOOL, VP & Head of Finance of Gold fields Ghana Ltd. The Agreement is for the execution of works in an Appendix which has not been attached. We have marked this document as **Exhibit IBM1.**

3. A contract No. LSC2181 entitled Contract Mining-Damang Main Pits (DCPB & SADDLE 1 Pits) Between Goldfields Limited (Damang Goldmine) And Engineers Co, Ltd. Attached to this document are two other documents entitled: 1. Checklist for Contracts and 2. Goldfields Ghana Limited & Abosso Goldfields Limited 2020-2021 Regional Approval Framework GFL Board Approval on 15 August 2018. This document is signed by Alfred Badu, Executive Vice-President & Head of West Africa and Lindey Witbool, Vice-President & Regional Head of Finance. Also inclusive is a document bearing the name of Abosso Goldfields Limited and Engineers and Planners with a contract price of **$336,113,583.48.** The document executed on 4/11/2020 has the respective signatures of seven (7) officials from Goldfields Ghana Ltd and Abosso Goldfields.We have marked this letter as **Exhibit IBM2.**

4. Contract No. LSC2181 entitled **Contract Mining- Damang Main Pits (DCPB & Saddle 1 Pits** Between Abosso Goldfields Limited (DAMANG GOLDMINE) And Engineers & Planners Co. Ltd. Part 1-Instrument of Agreement, PART 2-Conditions of Contract. The Agreement executed on 6 November 2020 is for the execution of Contract Mining Damang Main Pits by E&P. It is signed by Ibrahim Mahama, CEO of Engineers and Planners AND Alfred Baku of Abosso Goldfields Ltd. with witnesses. This document is marked **Exhibit IBM3.**

5. A Contract Mining Service Agreement No. CN-23-001 Between Cardinal Namdini Mining Ltd (as the Principal) And Engineers & Planners Company Ltd(the contractor) for inter alia the design, execution, and completion of Open-Pit Mining Operations by the Contractor. The contract dated 14 February 2024 is signed by Zhenjiang Tang, Chief Executive Officer of Cardinal Namdini Limited and Ibrahim Mahama of Engineers & Planners Co. Ltd with witnesses. The document is marked as **Exhibit IBM4.**

6. A letter dated 16 February 2026 from Abosso Goldfields Limited signed by Sampson Arthur, Operations Manager addressed to: **"To Whom it May Concern"** with a Heading **"LEETER(SIC) OF RECOMMENDATION".** The letter states in part as follows: **"We write to confirm that Engineers &**

Planners Company(E&P) is the mining contractor executing the Damang Main Pits(DPCB, Huni, Juno, Nyame & Saddle 1 Pits) (the "Contract") at the Damang GoldMine of Goldfields Ghana Limited (GFGL). E&P has successfully executed and continue to execute contracts on this mine, which have increased the trust we have in this business partner. Some of these contracts include but not limited to the following:

2012 Contract Number LSC 1268-Satellite Pits Ore rehandling
2016 Contract Number LSC 1945-Amoanda Mining and Rehandle
2017 Contract Number LSC 1973B-Damang Satellite Pits Mining
2017 Contract Number LSC 2028-Far East Tailings Storage Facility Stage One
2020 Contract Number LSC 2181-Damang Main Pits(DPCB, Huni,Juno, Nyame & Saddle 1 Pits)'....
GFGL awarded LSC 2181 to E&P for the mining of the stated pits in December 2019. Since then, has consistently delivered on the key performance indicators (KPI's) of this contract to date. Based on this proven ability to deliver on the term of contracts, we recommend E&P be granted any support required from your entity". We have marked this document as **Exhibit IBM5.**

7. A letter dated 4 September 2023 from Abosso Goldfields Limited signed by Charles Kofi Nti, Operations Manager (Damang) addressed to the Project Manager, Engineers and Planners Co Ltd. The letter has the Heading: NOTICE OF DEMOBILIZATION LSC2181-CONTRACT MINING-DAMANG MAIN PITS (DCPB & SADDLE 1 PITS) and states in part as follows:

NOTICE OF DEMOBILIZATION
LSC 2181 – CONTRACT MINING – DAMANG MAIN PITS (DPCB & SADDLE 1 PITS)

Reference is made to the above contract between Abosso Goldfields Limited (AGL) and Engineers & Planners Company Limited (E&P) dated 6th November 2020 (the "Contract").

The DPCB was scheduled to be mined from 2020 to 2023, followed by Huni and Lima Kwesi Gap (LKG) pits from 2023 to 2025 in accordance with the Contract. The life of mine (LOM) mining schedule was revised to mine

Huni and Lima Kwasi Gap (LKG) pits ahead of the original start date of 2023.
DPCB mining was contractually started in 2020 and successfully completed in December 2022 ahead of schedule, with Huni and LKG pits mining expected to be completed by the end of December 2023 based on the latest rolling forecast.

In line with the 2023 Business Plan, we write to inform E&P that AGL intends to treat only stockpiles until the end of mine life in 2025, with no pit mining after Huni and LKG pits are completely mined out by the end of the year.

Mining of the pits (DPCB, LKG and Huni pits) will be completed in December 2023. Guided by the Contract, E&P is required to demobilise from site all Mining Equipment related to the mining of the pits in accordance with the demobilization schedule under Appendix B of the Contract.

In view of the above, E&P is by this letter required to commence demobilization of the Mining Equipment and related personnel after completion of mining at Huni and LKG pits in accordance with the Contract by the end of December 2023. Additionally, E&P is hereby required to submit, if any, all claims for works carried out in accordance with the terms of the Contract and demobilisation costs up to and including 31st December 2023.

Please address it to Charles Kofi Nti (Operations Manager) at email address Charles.Nti@goldfields.com for review.
AGL wishes to express our gratitude to your management and staff for the co-operation given over the period. The document is marked as **Exhibit IBM6.**

8. A letter from the Ministry of Lands and Natural Resources Ref. No. FA.124/281/01 of 12 March 2024 signed for the Minister by Prof. Patrick K. Agbesinyale, then Chief Director. The letter is addressed to the Chief Executive Officer, Engineers & Planners Co. Ltd and has the Heading: **RE: REQUEST FOR NOTICE OF "NO OBJECTION" PURSUANT TO SECTION 52 OF THE MINERALS AND MINING ACT, 2006(ACT 703).** The Letter states in part as follows:

Your letter dated 8th March, 2024 on the above-subject matter refers.

Subsequent to your letter, the Hon.Minister requested for the advice and recommendation of the Minerals Commission, pursuant to section 100(2) of the Minerals and Mining Act, 2006 (Act 703), which was received on 12th March, 2024.The Commission indicates that your company has gained considerable experience in mining,and is currently engaged in contract mining for Abosso Goldfields Limited's Damang Gold Mine.

Based on the representations in your letter and on the recommendation of the Minerals Commission, the Hon. Minister for Lands and Natural Resources has no objection to Engineers and Planners Co. Ltd. entering into negotiations with Abosso Goldfields Limited for the purposes of acquiring the Damang Gold Mine.

This no objection, however, does not affect the right of the Government of Ghana to approve or reject any transaction and/or agreement concluded between the parties. Accordingly, any agreement concluded between you on one hand, and Abosso Goldfields Limited, on the other hand, shall be subject to the express approval or otherwise of the Government of Ghana. For the avoidance of doubt, any such agreement shall not be valid, and no rights shall pass under such an agreement without the consent of the Government of Ghana. This no objection is granted subject to the above reservations.
Thank you.
Yours sincerely
signed
PROF. PATRICK K. AGBESINYALE
We have marked this letter as **Exhibit IBM7.**

9. A renewed Damang Main Mining Lease Agreement Executed Between **the Government of the Republic of Ghana acting by Emmanuel Armah Kofi Buah, the Minister for Lands and Natural Resources** of the one part and **Abosso Goldfields Limited** of the other part. The Agreement essentially renewed a mining lease for the latter for a duration of twelve (12) months

commencing on 19 April 2025 and ending on 18 April 2026 states in relevant part as follows:

1.GRANT OF MINING RIGHTS

a. The Government hereby grants to the Company in accordance with the provisions of Act 703, mining rights in respect of gold(the Mineral") to ALL that piece of land described in Schedule 1 hereto and more particularly delineated on the map attached hereto (hereinafter called "the lease Area") for a term of ONE (1) YEAR (hereinafter called "the Term") commencing from 19 April 2025 and expiring on 18 April 2026.

Attached and as part of the Lease is the Plan of the Land (Schedule 1), the Operating Plan (Schedule 2), the Fiscal Concession (Schedule 3) and the Feasibility Studies (Schedule 4). The lease is signed by Emmanuel Armah Kofi Buah, the Minister for and on behalf of the Government of Ghana on the one part, and **Elliot Twum** on behalf of Abosso Goldfields Limited of the other part and witnessed. This document is marked as **Exhibit IBM8**.

10. A filled Tender Application Form dated 30 March 2026. The name of Tender is Engineers & Planners Company Limited & Damang GoldMines Limited. This document is marked as **Exhibit IBM9.**

11. A letter from the Minerals Commission Ref. No. RL.2/20 dated 8 April 2026 addressed to the Chief Executive Officer, Engineers and Planners. The letter marked as **Exhibit IBM10** is reproduced as below:

Our Ref.: RL.2/20

8th April 2026

The Chief Executive Officer
Engineers and Planners
C11/21, Alajo Link Road
Off Olusegun Obasanjo Highway
Abelenkpe, Accra

Dear Sir,

RE: TENDER FOR SELECTION OF STRATEGIC INVESTOR FOR THE LEASE AND OPERATION OF THE DAMANG GOLD MINE (DGM)

OUTCOME OF THE COMPETITIVE BIDDING PROCESS

We refer to your correspondence dated 30th March 2026 submitting a proposal for the lease and operation of the Damang Gold Mine.

The Minerals Commission is pleased to inform you that your Company has been adjudged the successful tender by the duly constituted Tender Committee. Furthermore, upon the Commission's recommendation, the Hon. Minister for Lands and Natural Resources has approved the grant of the Damang Mining Lease to your company and directed the Commission to undertake the necessary regulatory steps to give effect to this approval.

The Commission will subsequently engage your Company to facilitate the completion of all required regulatory and transitional processes.

Kindly accept the assurances of our highest consideration.

Yours sincerely
Signed
(ISAAC TANDOH)
AG. CHIEF EXECUTIVE OFFICER

CC: Hon. Minister, MLNR
Hon. Dep. Minister, MLNR
Chief Director, MLNR
Adviser, MLNR
Chairman, MinCom Governing Board
DCEO,PPMT &LC,MinCom
Ag.CIM,MinCom
Board Secretary, MinCom
Ag. Director,Legal,MinCom

12. A letter from Engineers & Planners dated 12 April 2026 addressed to the Ag. Chief Executive Officer of the Minerals Commission. It states in parts as follows:

Dear Sir,

RE: TENDER FOR SELECTION OF STRATEGIC INVESTOR FOR THE LEASE AND OPERATION OF THE DAMANG GOLD MINE (DGM)

OUTCOME OF THE COMPETITIVE BIDDING PROCESS

We, Engineers & Planners Company Limited (E&P) and Damang Gold Mine Limited (DGML), acknowledge receipt of your letter with reference RL.2/20 and dated 8th April 2026 regarding the outcome of the competitive bidding process for the lease and operation of the Damang Gold Mine.

We are honoured to have been adjudged the successful tenderer by the duly constituted Tender Committee and to receive the approval of the Honourable Minister of Lands and Natural Resources for the grant of the Lease and Operation of the Damang Gold Mine to our company.

We hereby formally accept the award and express our sincere appreciation to the Minerals Commission for the confidence reposed in us.

We are committed to executing the project in full compliance with all regulatory requirements and to the highest standards of operational excellence, safety, environmental stewardship, and community engagement.

We look forward to engaging with the Commission to complete all necessary regulatory and transitional processes and to progressing the timely commencement of operations.

Please accept the assurances of our highest consideration.

Yours faithfully,

Signed

Ibrahim Mahama

Chief Executive Officer
For and on behalf of:
Engineers & Planners Company Limited And Damang Gold Mine Limited

CC: Hon. Minister, MLNR
Hon. Dep. Minister, MLNR
Chief Director, MLNR
Adviser, MLNR
Chairman, Minerals Commission Governing Board
DCEO, PPMT&LC, Minerals Commission
Ag. CIM, Minerals Commission
Board Secretary, Minerals Commission
Ag. Director, Legal, Minerals Commission.

We have marked this letter as **Exhibit IBM11.**

13. A letter from Damang GoldMine Ltd Ref. No. DGML/DAMANG/04/2016 of 20 April 2026 addressed to Hon. Emmanuel Armah Kofi Buah, MP, Minister for Lands and Natural Resources. The letter states in parts as follows:

Dear Hon. Minister,

REQUEST FOR THE GRANT OF A TEMPORARY OPERATING PERMIT FOR THE DAMANG GOLD MINE

We respectfully write on behalf of Damang Gold Mine Limited (DGML) to request the grant of a temporary operational permit to enable the continued operation and management of the Damang Gold Mine during the interim period **pending the completion of all outstanding statutory and parliamentary processes required for the issuance of a substantive mining lease.**

Hon. Minister, we acknowledge with appreciation the decisive steps taken by the Ministry of Lands and Natural Resources and the Minerals Commission in managing the transition of the Damang Mine following the expiry of Gold Fields Ghana Limited's mining lease and the formal reversion of the mine to the Government of Ghana on 18 April 2026. **We further note that the process toward the appointment of a substantive long-term operator is advancing, subject to parliamentary ratification and final regulatory approvals.**

In light of this transitional phase, the issuance of a temporary operating permit to Damang Gold Mine Limited is essential to ensure operational continuity and to protect the national interest.

Specifically, the temporary permit will:

1. Prevent the suspension of mining and processing activities, thereby avoiding safety risks, asset deterioration, and loss of production capacity;
2. Safeguard the employment and livelihoods of the Ghanaian workforce and local contractors currently engaged at the Damang Mine;
3. Maintain uninterrupted environmental, health, safety, and community management systems, in accordance with approved regulatory standards; and
4. Preserve government revenue streams, including royalties, taxes, and statutory payments derived from ongoing gold production.

Damang Gold Mine Limited is structured to maintain continuity of operations and is adequately resourced to manage the mine responsibly during this interim period. We hereby assure the Ministry that all activities undertaken under the proposed temporary permit will strictly comply with:

- The Minerals and Mining Act, 2006 (Act 703);
- The Minerals and Mining (Licensing) Regulations, 2012 (L.I. 2176);
- Environmental Protection Agency permit conditions; and
- All directives issued by the Ministry of Lands and Natural Resources and the Minerals Commission.

DGML further undertakes to cooperate fully with any government-appointed transition or oversight mechanism and to adhere to all reporting, monitoring, and regulatory requirements applicable during the temporary operational period.

Hon. Minister, the Damang Gold Mine remains a strategic national asset, with the capacity to continue contributing significantly to Ghana's gold output, fiscal revenues, and local employment if uninterrupted operations are maintained. The grant of a temporary operational permit to Damang Gold Mine Limited will ensure a stable, orderly, and responsible transition, while longer-term arrangements are finalized in accordance with Ghanaian law.

We respectfully request your favourable consideration of this application and remain available to provide any additional documentation, assurances, or undertakings required to facilitate an expeditious decision.

Please accept, Hon. Minister, the assurances of our highest consideration.

Yours faithfully,

Signed
Mr. Sampson Arthur
General Manager
Damang Gold Mine Limited

We have marked this letter as **Exhibit IBM12.**

We have found it expedient to reproduce in extenso, the comments of the 3rd Respondent as follows:

DR. JOSEPH WHITTAL
COMMISSIONER
COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)
OLD PARLIAMENT HOUSE, ACCRA

Dear Sir,
RE: IN THE MATTER OF ALLEGATIONS OF CONFLICT OF INTEREST, ABUSE OF POWER AND CORRUPTION BY EMMANUEL SENYO AMEKPLENU (COMPLAINANT) AGAINST HE. JOHN DRAMANI MAHAMA, PRESIDENT OF THE REPUBLIC OF GHANA (1ST RESPONDENT), H.E. PROF NAANA JANE OPOKU-AGYEMANG, VICE-PRESIDENT OF THE REPUBLIC OF GHANA (2ND RESPONDENT) AND MR. IBRAHIM MAHAMA OF ENGINEERS & PLANNERS CO. LTD. (3RD RESPONDENT) - REQUEST FOR COMMENTS

We act as Solicitors for Mr. Ibrahim Mahama and Engineers & Planners Co. Ltd. (E&P), and write on their instructions regarding the above-captioned matter.

Our Clients have received the petition filed by EMMANUEL SENYO AMEKPLENU, requesting that the Commission investigate allegations of abuse of power, corruption, and conflict of interest concerning their business operations, and have instructed us to respond. Enclosed is our Clients' response to the petition.

Our Clients have also instructed us to receive all communications and processes relating to this matter on their behalf.

We are counting on your cooperation.

Yours faithfully,

SIGNED
ROBERT SMITH LAW GROUP
BOBBY BANSON, ESQ
LAW GROUP
info@robertsmithlowgroup.com

1st July 2026

IN THE MATTER OF A PETITION TO THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE PURSUANT TO ARTICLES 218 (a) and 284 OF THE 1992 CONSTITUTION OF THE REPUBLIC OF GHANA
AND
IN A MATTER OF A PETITION FOR AN INVESTIGATION INTO THE ACQUISITION OF DAMANG CONCESSION BY IBRAHIM MAHAMA

BETWEEN

EMMANUEL SENYO AMEKPLENU ***COMPLAINANT***

AND

H.E. JOHN DRAMANI MAHAMA ***1ST RESPONDENT***
H.E. PROF. NAANA JANE OPOKU AGYEMAN ***2ND RESPONDENT***
IBRAHIM MAHAMA ***3RD RESPONDENT***

RESPONSES/COMMENTS BY 3RD RESPONDENT

1. INTRODUCTION

1.1 The allegations against the 3rd Respondent are two-fold:

1.2 First, it is alleged that the 3rd Respondent unduly acquired interest in the Damang concession only by reason of his familiar relationship with the sitting president of the Republic of Ghana, the1st Respondent herein.

1.3 Secondly, it is alleged that the 3rd Respondent's actions of offering his private airplanes to the President and the Vice President for official travel duties is intended to and/or has resulted in the 3rd Respondent obtaining undue business advantage.

1.4 The 3rd Respondent unequivocally denies these allegations in their entirety and contend that they are merely a repetition of pedestrian political propaganda targeted at the 3rd Respondent and his companies, devoid of any substance and candor.

1.5 The 3rd Respondent will justify the rejection of the claims by the Complainant as follows:

2. THE PROVEN TRACK RECORD OF ENGINEERS & PLANNERS CO LTD

2.1 Engineers & Planners Co Ltd (E&P) is a wholly owned Ghanaian company incorporated in 1997, almost 30 years ago. The 3rd Respondent has been the beneficial owner of E&P since its incorporation. A copy of the incorporation documents of E&P is attached as Annexure IM 1.

2.2 The company started working in the mining space in 1997 by renting equipment to mining contractors. Between 1998 and 2017, E&P was a sub-contractor for numerous contractors undertaking road construction and mining activities in Ghana.

2.3 By dint of hard work, dedication, perseverance and consistency of the Beneficial Owner, his team of Directors and workers, E&P has grown into a fully functional mining company with footprints in Ghana, Liberia, Mauritania, Democratic Republic of Congo and Zambia.

2.4 No wholly owned Ghanaian company has that track record in Ghana.

3. HOW E&P BECAME DOMINANT

3.1 In 2017, E&P received it major breakthrough. It was awarded a contract by Goldfields to provide contract mining services for Tarkwa. The contract was for the life of the Tarkwa mine. Evidence of the contract for Tarkwa is attached as ***Annexure IM 2.***

3.2 In 2019, E&P was again awarded a contract by Goldfields to provide contract mining for Damang for the period of the lease of the concession. Evidence of the contract for Damang is attached as ***Annexure IM 3.***

3.3 In 2022, E&P was awarded a contract to provide contract mining services for the Cardinal mine in Wa for the life of the mine. Evidence of the contract with Cardinal is attached as ***Annexure IM 4.***

3.4 It must be noted that in 2017, 2019 and 2022 when E&P was awarded these multi-million dollar contract, the New Patriotic Party (NPP) was in political Power. Neither the 1st nor 2nd Respondents was in political office.

3.5 The argument that the dominance of E&-P in the mining sector is tied to the political fortunes of 1st Respondent is not only flawed but undermines the business acumen of the 3rd Respondent, the collective efforts of the board of directors, management and over 6,000 workforce which have worked for close to 30 years to acquire and develop the technical and financial capacity for the company to operate.

3.6 Indeed, when Goldfields was rounding up operations in Damang in February 2026 it recommended E&P to Government of Ghana as the company with the capacity to continue operating the mine. A copy of the letter of recommendation is attached as ***Annexure IM 5****.*

4. THE DAMANG ACQUISITION

4.1 E&P had worked as a sub-contractor in Damang since 2002. As a subcontractor, E&P was providing services to other contractors awarded a contract directly by Goldfields. However, overtime, E&P acquired the requisite capacity to be a direct contractor of Goldfields and not a subcontractor. Accordingly, E&P was awarded the sole mining contract for the provision of mining services in the Damang concession in 2019, but which contract was executed in 2020.

4.2 On the 4th of September 2023, Goldfields served a notice to E&P to demobilize from the Damang site at the end of December 2023. A copy of the notice is attached as Annexure IM 6.

4.3 In 2024 E&P approached Goldfields to acquire the mine after Goldfields demobilized. Goldfields gave its approval in principle and requested E&P to obtain a No-Objection Letter from the Government to finalize talks for the acquisition. E&P proceeded to obtain the No-Objection Letter. By a letter dated 12th of March 2024, the Government of Ghana under the New Patriotic Party granted a No-Objection pursuant to Section 52 of the Minerals and Mining Act 20026 (Act 703) to E&P to acquire the mine from Goldfields. It is imperative to reiterate that in 2024, when E&P, obtained no objection from government, The 1st and 2nd Respondent were not in government. A copy of the No Objection letter is attached as ***Annexure IM*** *7.*

4.4 Goldfields did not proceed to consummate the transaction to sell their interest in the mine to E&P but chose to apply for a lease renewal, which was scheduled to expire on 18th April 2025, from the Government of Ghana. The Government of Ghana, acting through the relevant regulatory authorities, declined the renewal application on the basis that the applicant had not satisfied the statutory and regulatory requirements for renewal. The reasons publicly advanced by the Government included concerns relating to the adequacy of proven mineral reserves, the level of exploration and investment undertaken in recent years, and overall compliance with the conditions applicable to lease renewal.

4.5 Following the Government's decision, Gold Fields did not commence judicial or arbitral proceedings challenging the non-renewal of the lease. Goldfields rather executed a 1-year extension for the lease after which it will hand over the lease to Government. Evidence of this 1-year extension is attached as ***Annexure IM 8.***

4.6 In March 2026 Government of Ghana invited bids for wholly owned Ghanaian Companies to acquire the mine. A copy of the invitation to bid is attached as ***Annexure IM 9.***

4.7 E&P and 4 other companies submitted a Bid. In a process televised live on national television, E&P scored the highest mark. The other competitors congratulated E&P and expressed satisfaction with the entire bid process. Again, no one has challenged the process. The Minerals Commission communicated to E&P that E&P was the successful

bidder. A copy of the letter communicating this to E&P is attached as Annexure IM 10 and the Acceptance by E&P is attached as ***Annexure IM 11.***

4.8 Consequently, when the lease to Goldfields expired, the concession was handed over to the Government of Ghana which then asked E&P to operate the mine, as recommended by Goldfields, pending the issuance of the lease. A copy of the operating permit is attached as ***Annexure IM 12.***

4.9 E&P and its sister company, Damang Gold Mine Ltd, has paid all the expenses associated with the running of the mine since 18th April 2026 including payment for all the salaries of all the workers (permanent and contract) who were in the employment of Goldfields.

4.10 To suggest that E&P acquired Damang due to political influence belies the undisputed facts that E&P was given No-Objection Letter by the NPP.

5. THE USE OF THE AIRCRAFT BY 1ST AND 2ND RESPONDENT

5.1 The 3rd Respondent, through E&P and its affiliated entities, owns three private aircrafts. These aircraft were acquired prior to the 1st Respondent assuming public office and were not purchased in anticipation of, or in connection with, any governmental appointment or political relationship. Over the years, the aircraft have been made available, on a non-commercial basis, to individuals from diverse political backgrounds as well as ordinary Ghanaian citizens requiring transportation for emergency medical, humanitarian, or business purposes. At no time has E&P charged any individual for the use of its aircraft in such circumstances.

5.2 The allegation that the occasional use of an E&P aircraft by the President has conferred any improper advantage or business benefit on the 3rd Respondent is wholly unfounded and unsupported by evidence. The President's use of the aircraft has occurred only in circumstances where the state aircraft was unavailable or where other operational considerations arose. Such assistance was extended as a matter of goodwill and personal accommodation, without any expectation of consideration, favour, or reciprocal benefit.

The President has, on numerous occasions, utilized the official state aircraft for his travels, demonstrating that the use of E&P's aircraft is neither exclusive nor routine. There is therefore no factual or logical basis upon which the occasional use of the aircraft can be linked to the commercial success, contractual opportunities, or business fortunes of the 3rd Respondent.

5.3 Equally misplaced is the suggestion that the 3rd Respondent engaged in unfair business practices by making an aircraft available to facilitate the emergency medical evacuation of a Ghanaian citizen who happened to hold the office of Vice President. The assistance rendered was motivated solely by humanitarian considerations and the urgent medical circumstances involved. Indeed, the 2nd Respondent has publicly acknowledged that the intervention was critical to her receiving timely medical treatment. It is therefore regrettable that an act of goodwill undertaken in response to a medical emergency is now being portrayed as evidence of impropriety or undue influence. Such an inference is

speculative, unsupported by evidence, and fails to recognize the humanitarian nature of the assistance provided.

5.4 Similarly, the provision of an aircraft to facilitate the emergency medical evacuation of the 2nd Respondent to the United Kingdom was an act motivated by humanitarian considerations and the urgent need for medical intervention. The assistance was rendered in circumstances where time was of the essence and was directed at preserving the life and health of a Ghanaian citizen. The fact that the beneficiary of such assistance happened to occupy public office does not, without evidence of any corresponding official favour or benefit, transform a humanitarian act into a conflict-of-interest situation.

5.5 It is significant that no evident has been presented demonstrating that either the 1st Respondent or the 2nd Respondent conferred any official benefit upon the 3rd Respondent as a result of the use of the aircraft, not that the 3rd Respondent received any advantage unavailable to the other persons similarly situated. The allegations therefore rest entirely on conjecture and the assumption that the provision of assistance necessarily result in preferential treatment. Such an assumption is unsupported by the facts.

5.6 In circumstances, the facts disclosed do not establish any actual, potential or perceived conflict of interest involving the 1st Respondent, 2nd Respondent, or the 3rd Respondent. The aircrafts were acquired independently of any public office held by the 1st or 2nd Respondents; their use was occasional, gratuitous, and unconnected to any official act or governmental decision; and there is no evidence of any reciprocal benefit, preferential treatment, or improper influence arising therefrom. The provision of transportation assistance whether to the 1st Respondent in limited circumstances or to the 2nd Respondent during a medical emergency, is therefore incapable, on the facts presented, of constituting a conflict of interest and cannot reasonably be relied upon as evidence of impropriety, undue influence, or abuse of public office.

6. WHETHER OR NOT THERE HAS BEEN CONFLICT OF INTEREST OR ABUSE OF OFFICE, CORRUPTION IN FAVOR OF THE 3RD RESPONDENT AND HIS BUSINESSES.

6.1 In the first paragraphs of the petition filed, the Petitioner alleged that "his petition is premised on serious concerns of conflict of interest, abuse of executive influence and the possible use of public office for the private family advantage contrary to Article 284 of the Constitution".

6.2 Article 284 of the 1992 Constitution defines "Conflict of Interest" as a situation where a public official's personal interest conflicts with or is likely to conflict with eh performance of the functions of his/her office.

6.3 In the Richard Anane Case investigated by the Commission, the Commission held that a conflict of interest includes:

i. Any interest or benefit, financial or otherwise direct or indirect;

ii. Participation in any business transaction, or professional activity;
iii. An incurring of any obligation of any nature; or
iv. An act or omission;
Which is or appears or has the potential to be in conflict with the proper discharge of a public official's duties in the public interest.

6.4 It was also held by the Commission in the Richard Anane case that conflict of interest occurs when a public official attempts to promote a private or personal interest for himself/herself or for some other person and the promotion of the private interest then results or is intended to result or appears to be or has the potential to result in the following:

i. An interference with the objective exercise of the person's duties; and ii. An improper benefit
ii. An improper benefit or an advantage by virtue of his/her position.

6.5 In the SSNIT case involving Multimedia Ltd and Charles Kwame Asare, investigated by the Commission, it was held that "A public official breaches this provision not only where there is actual conflict of interest but also where there is a likelihood of conflict of interest. Where there is already in existence a personal relationship between a public officer and another person or between their respective institutions or companies, there is an onerous responsibility on the public officer to ensure that all future transactions between the two persons or institutions are conducted with utmost transparency and in such a manner as to avoid suspicion of any improper motive or conduct".
6.6 A proper consideration of the constitutional and statutory framework governing the grant of mineral rights demonstrates that neither the 1st Respondent nor the 2nd Respondent has any role in the evaluation, recommendation, or approval processes leading to the grant of a mineral right. Consequently, neither of them was in a position to influence, direct, or determine the award of the Damang concession to the 3rd Respondent or any company associated with him. In any event, discussions regarding the acquisition of the Damang Mine by E&P commenced well before the 1st and 2nd Respondents assumed public office, thereby negating any suggestion that the acquisition was facilitated by their respective offices.

6.7 Section 5 (1) of the Minerals and Mining Act, 2006, Act 703 provides as follows;
"Subject to subsections (4) and (5), the Minister on behalf of the President and on the recommendation of the Commission may negotiate, grant, revoke, suspend or renew mineral rights in accordance with this Act."

6.8 Article 268 of the 1992 constitution further provides that "(1) Any transaction, contract or undertaking involving the grant of a right or concession by or on behalf of any person including the Government of Ghana, to any other person or body of persons howsoever described, for the exploitation of any mineral, water or other natural resource of Ghana made or entered into after the coming into force of this Constitution shall be subject to ratification by Parliament."

6.9 From these constitutional and statutory prescriptions, neither the 1st nor 2nd Respondent has any role to play in the processes leading to the grant of minerals rights. There is therefore no possibility of the 1st and 2nd Respondent influencing the decision to award the concession to the 3rd Respondent's company, particularly when the discussions for the 3rd Respondent to acquire the concession predates the assumption of political office by the 1st and 2nd Respondents.

6.10 As explained above, E&P started its business in the mining industry in 1997. The Company was awarded a contract to work in Damang and Tarkwa in 2019 and 2018 respectively. The 1st and 2nd Respondents had no political office at that time. E&P obtained a letter of No Objection from the NPP Administration to acquire the Damang mine from Goldfields. E&P's success has been on merits and not any form of political favoritism.

6.11. After the decision of Minister of Lands not to renew the lease for Damang, there was a public tender by the Minerals Commission, the results of which was televised on national television. E&P was announced to have won the bid, the basis of the award explained by the Minerals Commission. The decision to award the concession to E&P upon the recommendation of the Minerals Commission and decided by the Minister of Lands. The 1st and 2nd Respondents had no role in the entire process leading to the decision to award the concession to E&P. There was total transparency in the entire process.

6.12 Equally noteworthy is the fact that Gold Fields has not challenged the decision not to renew the Damang lease. Gold Fields did not institute legal proceedings or otherwise contest the nonrenewal decision, notwithstanding its direct interest in the concession. This further underscores the legitimacy of the regulatory process and undermines any suggestion that the concession was awarded through improper influence or political intervention.

7. CONCLUSION

7.1 The evidence demonstrates that the 3rd Respondent's business interests and prominence within Ghana's mining sector long predate the assumption of public office by the 1st and 2nd Respondents. The commercial success and growth of E&P were established over several decades through legitimate business operations, technical expertise, and sustained participation in the mining industry. Similarly, the occasional use of the 3rd Respondent's private aircraft by the 1st and 2nd Respondents is neither unique nor exclusive. The aircraft have, over the years, been made available to persons from different political backgrounds, including members of various political parties, as well as ordinary Ghanaian citizens requiring transportation for medical, humanitarian, or business purposes.

7.2 In these circumstances, there is no factual, legal, or logical basis for the assertion that the award of the Damang concession to E&P was connected to, or influenced by, the occasional use of the 3rd Respondent's aircraft by the 1st and 2nd Respondents. The undisputed evidence establishes that the concession was awarded through a transparent statutory process conducted by the legally mandated institutions, without the participation or influence of either the 1st or 2nd Respondents. There is no evidence of any reciprocal

benefit, preferential treatment, abuse of office, or improper influence capable of giving rise to an actual, potential, or perceived conflict of interest. The allegation that the acquisition of the Damang concession resulted from the provision of air transportation by the 3rd Respondent is therefore speculative, unsupported by evidence, and devoid of any factual or legal foundation.

We pray that the Commission dismisses the claim against the 3rd Respondent

DATED THIS 1ST DAY OF JULY 2026 AT ROBERT SMITH LAW GROUP, OCTAGON BUILDING, ACCRA.

BOBBY BANSON, ESQ.
SOLICITOR FOR 3RD RESPONDENT

AND TO THE COMMISSIONER, COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE OLD PARLIAMENT HOUSE, ACCRA

4.0 FAILURE OF COMPLAINANT TO HONOUR INVITATION FOR INTERVIEW

As part of its investigations, the Commission invited the Complainant to appear before it for interview to provide it with more information and evidence on the allegations vide letters Ref. Nos. CHRAJ/2910/2026/409 of 22 September 2026 and CHRAJ/2910/2026/450 of 26 October 2026 but the Complainant failed to appear. Rather in a letter via email to the Commission dated 25 September 2026 and entitled partly as **PRELIMINARY OBJECTION TO THE INVITATION,** the Complainant attacked the procedure being adopted by the Commission and indicated what he thought should be the best approach to investigating this matter and further requested the Commission to submit to him the particulars of the invitation. The Commission refused to yield to this request per its letter dated 26 October 2026 supra.

5.0 ISSUES FOR DETERMINATION

Although, the Complainant has invited the Commission at page 2 of the complaint to determine six (6) issues, a reading of the complaint as whole relative to Articles 218(a) and 284 of the 1992 Constitution invoked by the Complainant himself suggests that there are only four (4) relevant issues in this complaint. These are:

1. **Whether the granting/divestment of Damang Mine to the 3rd Respondent puts the 1st Respondent in a conflict-of-interest situation.**

2. **Whether the continuous use or previous use of a private jet belonging to the 3rd Respondent by the 1s and 2nd Respondent respectively put them in a conflict-of-interest situation.**
3. **Whether the 1st and 2nd Respondent abused their positions as President and Vice-President relative to their dealings with the 3rd Respondent.**
4. **Whether the transaction relating to the grant of the Damang mine to 3rd Respondent was actuated by or tainted with corruption.**

6.0 INVESTIGATIONS

In investigating this matter, the Commission was guided by Article 219 (1)(c) and (d) of the 1992 Constitution as well as Section 8(1)(c) and (d) and 15(1)(a) and (b) of Act 456. These are reproduced as follows:

Article 219(1)(c) and (d)-

219.Special Powers of Investigation

(1) The powers of the Commission shall be defined by Act of Parliament and shall include the power-

(c)to question any person in respect of any subject matter under investigation before the Commission;

(d)to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.

Section 8(1)(c) and(d) of Act 456-

8. Special powers of investigation

By virtue of article 219 of the Constitution, the Commission may, for the purposes of performing its functions under this Act,

(c) question a person in respect of a subject matter under investigation before the Commission;

(d) require a person to disclose truthfully and frankly an information within the knowledge of that person relevant to an investigation by the Commission.

Section 15(1)(a)(b) of Act 456-

15. Evidence at investigations

(1) Subject to this section the Commission may require a person who is able to give an information relating to a matter being investigated by the Commission

2(a) to furnish the information to it, or

(b) to produce a document, paper or thing that relates to the matter being investigated and which may be in the possession or control of that person.

In accordance with these provisions, the Commission requested for and/or relied on relevant documents provided by the parties and the Secretary to Cabinet at the Office of the President.

6.1 SUMMARY OF EVIDENCE

6.1.1 DOCUMENTS OBTAINED FROM 3RD RESPONDENT

Aside the documents that were submitted by 3rd Respondent on 01 July 2026 (which we have reviewed supra) Counsel for 3rd Respondent submitted copies of additional documents to the Commission on 20 November 2026 to facilitate investigations. These were as follows:

1. A letter from E&P signed by its Chief Executive Officer/3rd Respondent on the 8 March 2024 addressed to the Minister for Lands and Natural Resources with a copy to the Chief Executive Officer of the Minerals Commission. The letter has the heading **REQUEST FOR NO OBJECTION FOR PURCHASE & DEVELOPMENMT OF DAMANG GOLD MINE OF ABOSSO GOLDFIELDS LIMITED** and states in relevant part as follows:

> **In compliance with section 52 of Act 703, Engineers and Planners Company Limited (herein referred to as New Buyer/Controller) request for no objection for purchase (sic) Damang Gold mine owned by Abosso Goldfields Limited considering the considerable years of expertise and capacity while working for this same asset over the last 2 decades.**

Engineers and Planners Company Limited(E&P) has obtained recommendation from Abosso Goldfields Gh Limited (copy attached) and has become aware of the latter indication of sale of this asset as reflected in the reports to market and no required investment that signals intention to keep same...

We have marked this letter as Exhibit IBM13.

2.A letter from the Clerk to Parliament addressed to the Hon. Minister for Lands and Natural Resources Ref. No.PS/CTP/18/R/043 of 30 July 2026 with the heading: **APPROVAL OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF GHANA (REPRESENTED BY THE MINISTRY OF LANDS AND NATURAL RESOURCES) AND DAMANG GOLDMINE LIMITED FOR THE MINING OF GOLD IN LIMA SOUTH (33.58KM2) IN THE PTRESTEA/HUNI-VALLEY DISTRICT IN THE WESTERN REGION.**

The letter states in part as follows:

Parliament at its thirty-sixth sitting of the second meeting of the second session of the Ninth Parliament held on Thursday, 30th July 2026, approved by resolution, the Agreement between the Government of the Republic of Ghana (represented by the Ministry of Lands and Natural Resources) and Damang Gold mine Limited for the mining of Gold in Lima South(33.58km2) in the Prestea/Huni-Valley District in the Western Region.

The letter then forwarded the text of the Resolution to the Minister. This letter is marked as Exhibit IBM14.

6.1.2 MINUTES of MEETING OF CABINET OBTAINED FROM SECRETARY TO CABINET, OFFICE OF THE PRESIDENT

Pursuant to a request by the Commission per letter No. CHRAJ/HOD/2026/368 of 21 August 2026, the Secretary to the Cabinet in a letter Ref. No. OPCA.3/1/1/270826 of 27 August 2026 provided the Commission with extracts of minutes of meetings of the Cabinet held at the Jubilee House on Wednesday, 18 March 2026 and Tuesday, 21 April 2026. We have marked the letter as Exhibit OOP whilst the meetings held

on 18 March 2026 and 21 April 2026 have been marked respectively as Exhibit OOP1 and Exhibit OOP2.

The Meeting held on 18 March 2026(Exhibit OOP1) was presided over by the 2nd Respondent/H.E PROF. JANE NAANA OPOKU-AGYEMANG, Vice President of the Republic and attended by eleven (11) Cabinet Ministers and Nineteen (19) other Ministers of State and government appointees including the Chief of Staff who were captured under a part of the minutes sub-titled-IN ATTENDANCE. Also, in attendance were ten (10) other persons captured under the sub-titled "CABINET SECRETARIAT"

The 1st Respondent,H.E JOHN D. MAHAMA, President of the Republic and Six (6) Cabinet Ministers were recorded as being absent with an apology. Also absent with an apology were six (6) persons inclusive of Ministers of State.

It is recorded in the minutes that the Vice-President declared the meeting opened at 9:20 am and that in her opening remarks she indicated that the meeting had been convened to consider a single agenda item presented by the Ministry of Lands and Natural Resources. Under the sub-heading "CONSIDERATION OF MEMORANDUM", it is stated as follows:

> **"Proposal for a strategic successor to be granted a mining lease to operate the Damang Mine after the expiration on 18th April,2026 of the one-year mining lease extension granted to Gold Fields Ghana Limited".**

It is recorded that the Minister for Lands and Natural Resources submitted this Memorandum and requested Cabinet to among other things approve a policy direction for the operation of the Damang mine following the expiration of the current lease.

The Meeting held on 21 April 2026 (i.e Exhibit OOP2) was Chaired by 1st Respondent. Present were sixteen (16) Cabinet Ministers with two (2) recorded as being absent with an apology. It is recorded at page 8 of the Minutes that:

4.3 Minutes of the Second Emergency Cabinet Meeting

4.3.1 The following corrections were made to the minutes of the Second Emergency Cabinet Meeting held on Wednesday, 18th March 2026.

(i) **Page 4, paragraph 2.1 should read "The Vice-President welcomed members to the 2nd Emergency meeting and noted that the meeting had been convened to consider a single agenda item presented by the Minister for Lands and Natural Resources. She informed Cabinet that due to conflict of interest in respect of the subject matter under consideration, the President had recused himself from the meeting..."**

6.1.3 AUTHENTICATION BY THE MINERALS COMMISSION OF LANDS AND NATURAL RESOURCES OF THREE (3) DOCUMENTS SUBMITTED BY 3RD RESPONDENT

The Commission per letters Ref. Nos. CHRAJ/2910/2026/451 and CHRAJ/2910/2026/451 all dated 26 October 2026 requested the Minerals Commission and the Ministry of Lands and Natural Resources respectively to authenticate the following documents submitted by the respective agencies/organisations:

1. Letter No.RL.2/20 dated 3 April 2026 with the Heading: **RE: TENDER FOR SELECTION OF STRATEGIC INVESTOR FOR THE LEASE AND OPERATION OF THE DAMANG GOLD MINE(DGM) OUTCOME TO THE COMMPETITIVE BIDDING PROCESS** marked as Exhibit IBM10.

2. A letter Ref. No. FA.124/281/01 dated 12 March 2024 addressed to the Chief Executive Officer, Engineers and Planners with the heading: **RE: REQUEST FOR NOTICE OF NO OBJECTION PURSUANT TO SECTION 52 OF THE MINERALS AND MINING ACT, 2006(ACT 703)** and signed by the Prof. Patrick Agbesinyale, Chief Director (as he then was) and marked as Exhibit IBM7, and

3. A Mining Lease Agreement Between the **GOVERNMENT OF THE REPUBLIC OF GHANA and ABOSSO GOLFIELDS LIMITED** dated 19 April 2025 and marked as Exhibit IBM8.

In response, the Minerals Commission per letter Ref. No. MC.597; RL.2/20 of 30 October 2026 signed by the Acting Chief Executive with copies to the Deputy Chief Executive Officer (PPMT &LC), the Director, Minerals Titles and the Director,

Legal all of the Minerals Commission confirmed the authenticity of Exhibit IBM10. We have marked this letter as Exhibit MC.

7.0 ANALYSIS OF ISSUES IN THE LIGHT OF THE APPLICABLE LAW AND THE EVIDENCE

7.1 Issues 1 and 2 deal with conflict of interest and therefore it is prudent to discuss them concurrently. These issues are:

1. **Whether the granting/divestment of Damang Mine to the 3rd Respondent puts the 1st Respondent in a conflict-of-interest situation; and**
2. **Whether the continuous use or previous use of a private jet belonging to the 3rd Respondent respectively by the 1s and 2nd Respondent put them in a conflict-of-interest situation.**

Although there are several provisions in the 1992 Constitution dealing with conflict of interest involving public officials, Article 284 of the 1992 Constitution embedded under Chapter 24 of the 1992 Constitution entitled **Code of Conduct for Public Officers** is the overriding guiding but prohibitory principle. Article 284 provides as follows:

> **284. A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.**

Although the duty of determining whether a public officer is in conflict of interest rests with this Commission as provided under Article 287 of the Constitution cited supra, the lack of detailed situations or a document providing for detailed situations of conflict of interest which the Commission could fall on in determining complaints or allegations of conflict of interest brough against public officers necessitated the development issuance of an elaborate Code of Conduct and Guidelines on Conflict of Interest by the Commission in 2006.

These Guidelines contain eighteen (18) principles some of which have been alluded to by all parties to this suit. Admittedly, in 2025, the 1st Respondent in his position as President of the Republic, developed the Presidential Code of Conduct for political appointees. Some of the principles therein align with those developed by this Commission but for purposes of this case will not be used as yardstick in

determining the liability or otherwise of the Respondents in this matter. The reason is simple. Both the Guiding principles and the Presidential Code of Conduct are not policy statements per se. They are mere guidelines. The Constitutional duty to enforce the Code of Conduct for public officers' rests with this Commission. It will be inappropriate to rely on a guideline designed by the Executive to investigate a complaint involving the same Executive. The Commission will be reneging on its duty if it does so.

Three (3) provisions under the Guidelines issued by this Commission are very apposite as far as the facts of this case are concerned and are reproduced in toto as follows:

3.1 Conflicting Financial Interest

This section covers financial interest of a public official which may conflict with his/her official duties. It provides for conflict of interest situation in award of contracts for goods and services, procurement of goods and service, self-dealing and other related matters.

General Rule: A public official shall not participate in an official capacity in any particular matter which to his knowledge

i. **he/she has a financial interest;**
ii. **any person whose interest are imputed to him in any way has a financial interest if the particular matter will have a direct effect on that interest.**

3.2 Self-dealing

A public official shall not take action in an official capacity which involves dealing with him/herself in a private capacity and which confers a benefit on himself/herself.

3.3. Impartiality in performing official duties

This section deals with personal as well as business relationships and situations where the public officials conduct is likely to result in the loss of impartiality in performance of official duties.

3.3.1 General Rule

A public official shall not participate in a matter involving specific parties, which he/she knows is likely to affect the interest of a member of his/her family, friend or partner if a reasonable person with knowledge of the facts would question his/her impartiality.

3.5.1 Use of Public Office for Private Benefit

General Rule: A public official shall not use his public office for his/her own private benefit, for the endorsement of any product, service or enterprise, or for the private benefit of friends, relatives or persons with whom the public official is affiliated in a private capacity, including political parties, non-profit organisation of which he/she is an officer or member, and persons with whom the public official has to seek employment or business relations.

GIFTS

Section 3.7.1 of the Guidelines on gifts provide as follows:

3.7.1 Accepting Gifts

General Rule: A public official shall not

i. **solicit gifts, tangible or intangible, directly or indirectly from persons with whom they come into contact in relation to official duties.**
ii. **accept gifts, tangible or intangible, that may appear to have the potential to influence the exercise of their official functions, proper discharge of their duties or their judgement, indirectly from a person with whom they come into contact in relation to official duties and**
iii. **Accept cash of any amount**

3.7.2 Non-Prohibited Gifts

A public official may accept the following gifts where it will not appear to influence or result in influencing the performance of official duties

i. **Unsolicited gifts of Souvenirs**
ii. **Gifts from family members on the basis only of that relationship**

iii. Reduced Membership or other fee/dues for being members of professional organisations/activities offered generally to members of the organisation known to the public...

The factual beef of the Complainant relating to conflict of interest is contained first in paragraphs 3 to 6 of his complaint where he states that the acquisition of the Damang Mine by 3rd Respondent, in his "belief", received approval from Cabinet, an organ of State that is chaired by the 1st Respondent. Without given any facts/particulars on the participation, influencing, supervision or presiding directly or indirectly by the 1st Respondent of the process leading to the acquisition by 3rd Respondent of the said goldmine, the Complainant rather raised what may be regarded as a rhetorical question and left it hanging.

The second relates to the use of a private jet belonging to the 3rd Respondent for Presidential travels by the 1st Respondent and the additional airlifting of the 2nd Respondent when the latter fell ill. The Complainant did not provide any facts on how this medical arrangement occasioned any influence, supervision or participation by the 2nd Respondent in matters relating to the acquisition of the Damang goldmine. He did not also indicate how the use of the jet triggered any decision, action or omission by the 1st Respondent in matters relating to the acquisition of the Damang gold mine by the 3rd Respondent. Rather, he contended that:

> ***While humanitarian assistance may not in itself constitute wrongdoing, the continuous provision of private logistical and aviation support to the highest offices of the Republic by an individual who is simultaneously alleged to be benefiting from government-related transactions raises legitimate constitutional and ethical concerns regarding undue influence, preferential access, dependency, reciprocity, and the possible blurring of the distinction between public office and private family interests.***

The Complainant did not provide any facts on undue influence, preferential access, dependency, reciprocity, and the blurring of the distinction between public office and private family interests either on the part of the 1st and 2nd Respondents in their relationship with the 3rd Respondent.

In **Okudzeto Ablakwa (No.2) & Another v. Attorney-General & Obetsebi-Lamptrey (No.2) [2012] 2 SCGLR 845,** the Plaintiffs had invoked the original jurisdiction of the Supreme Court in a suit brought against the Defendants having held the view that the grant of a 50 year lease of government land ie Bungalow No.2

located at Ridge Area to the 2nd Defendant was improper. In their Statement of Case, the Plaintiffs contended inter alia that the lease of the disputed property to the 2nd Defendant amounted to corruption and conflict of interest and abuse of discretionary power by a public officer in contravention of Articles 20(5) and (6), 23,257,265, 284 and 296 of the 1992 Constitution. In dismissing the action, the Court held partly that:

> **"...[Where] the plaintiffs would want those illegalities and improprieties to be tagged onto specific public officers, they should be in the position to establish the facts which will support that belief and the basis of that belief in the illegalities and improprieties on the one hand, and the nexus or connection with the specific public officers on the other hand. It was the facts, basis and nexus which would amount to proof and justification for the accusations. The necessity to adduce proof would become even more imperative where, as in the instant case, the accusers had invited the court to declare the actions as tainted with cronyism, corruption, arbitrariness, capriciousness, conflict of interest and abuse of discretionary power vested in public officer** (See Head Note 4 of the said decision)

It was also held that:

> **"...a conflict of interest allegation must be <u>examined in the light of clear facts</u> which support a conclusion that a public officer's personal interest conflicts with or is likely to conflict with the performance of the functions of his or her office...".**

The Commission finds it compelling to associate itself with this ratio in the **ABLAKWA (NO 2)** case because the Complainant had a duty to produce sufficient facts to establish the allegations of conflict of interest to warrant investigations which he failed to do.

It was with the view to curing this defect that the Commission invited the Complainant for an interview to produce further and better particulars on the Complaint or information or evidence in support of the allegations brought against the Respondents. Unfortunately, the Complainant failed and/or refused to appear before the Commission.

Unaided by the Complainant, the Commission nonetheless conducted investigations into the allegations aware of its inquisitorial duty.

7.1 CIRCUMSTANCES SURROUNDING THE DIVESTMENT OF DAMANG MINE TO 3RD RESPONDENT'S COMPANY

It is trite leaning that every mineral in Ghana is vested in the Republic of Ghana with the President as trustee. Thus Article 257(6) of the 1992 Constitution of Ghana provides as that:

> **257 (6) Every mineral in its natural state in, under or upon any land in Ghana, rivers, streams, water courses throughout Ghana, the exclusive economic zone and any area covered by the territorial sea or continental shelf is the property of the Republic of Ghana and shall be vested in the President on behalf of, and in trust for the people of Ghana.**

Despite this, transactions and contracts involving the grant of lands are subject to ratification by Parliament, but the regulation and management of the utilisation of natural resources concerned and the coordination of policies in relation thereto are the responsibility of the Minerals Commission, the Forestry Commission, the Fisheries Commission and such other Commissions created by Parliament.

Thus Articles 268(1) and 269(1) provide as follows:

> **268 (1) Any transaction, contract or undertaking involving the grant of a right or concession by or on behalf of any person including the Government of Ghana, to any other person or body of persons howsoever described, for the exploitation of any mineral, water or other natural resource of Ghana made or entered into after the coming into force of this Constitution shall be subject to ratification by Parliament.**
>
> **(2) Parliament may, by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt from the provisions of clause (1) of this article any particular class of transactions, contracts or undertakings.**
>
> **269.(1) Subject to the provisions of this Constitution, Parliament shall, by or under an Act of Parliament, provide for the establishment, within six**

months after Parliament first meets after the coming into force of this Constitution, of a Minerals Commission, a Forestry Commission, Fisheries Commission and such other Commissions as Parliament may determine, which shall be responsible for the regulation and management of the utilization of the natural resources concerned and the co-ordination of the policies in relation to them.

(2) Notwithstanding article 268 of this Constitution, Parliament may, upon the recommendation of any of the Commissions established by virtue of clause (1) of this article, and upon such conditions as Parliament may prescribe, authorise any other agency of government to approve the grant of rights, concessions or contract in respect of the exploitation of any mineral, water or other natural resource of Ghana.

None of these provisions give the 1st and 2nd Respondents the power to grant any land containing minerals to any person including the 3rd Respondent.

Be that as it may, pursuant to Article 268(2) of the Constitution, Parliament passed the **Minerals and Mining Act, 2006(Act 703)** which by Section 5 quoted hereunder granted the Minister for Lands and Natural Resources on behalf of the President and on the recommendation of the Minerals Commission the power to negotiate, grant, revoke, suspend or renew mineral rights but nonetheless subject to ratification by Parliament:

5. (1) Subject to subsections (4) and (5), the Minister on behalf of the President and on the recommendation of the Commission may negotiate, grant, revoke, suspend or renew mineral rights in accordance with this Act.

(2) Where the Minister grants a mineral right, the Minister shall determine the land subject to the grant.

(3) Where the Minister determines not to grant an application or determines to grant an application over a part of the land applied for, the Minister shall give the applicant written reasons.

(4) A transaction contract or undertaking involving the grant of a right or concession by or on behalf of a person or body of persons, for the

exploitation of a mineral in Ghana shall be subject to ratification by Parliament.

(5) Parliament may, by resolution supported by the votes of not less than two thirds of all the members of Parliament, exempt from the provisions of subsection (4) of this section a particular class of transactions, contract or undertakings.

It stands to reason, that assuming not admitting, that the 1st and 2nd Respondents participated in deliberations or decision leading to the grant of the Damang Mine to the 3rd Respondent, they could not be said to have had the final say if even their involvement was tainted with conflict of interest unless the Parliament of Ghana is a rubber stamp Parliament.

Our investigations however show that the Damang Mine was divested to Engineers and Planners (hereafter referred to as E&P) and not the 3rd Respondent as alleged by the Complainant. Exhibit IBM10 made available to the Commission by 3rd Respondent but authenticated by Exhibit MC, is a letter from the Minerals Commission signed by its Ag. Chief Executive informing the Chief Executive Officer of E&P of the successful bidding of E&P of the Damang Goldmine and that the Minister for Lands and Natural Resources has upon the recommendations of the Minerals Commission approved the grant of the Damang Mine to Engineers and Planners.

Following the receipt of Exhibit 1BM10, E&P per letter signed by the 3rd Respondent as the Chief Executive Officer and marked as Exhibit IBM 11, accepted the award and expressed sincere appreciation to the Minerals Commission and its preparedness to engage the Commission to complete all necessary regulatory and transitional processes. Nowhere in these correspondences has it been indicated that the grant was made to the 3rd Respondent per se. Given that at law a company is a separate legal entity from its subscribers or managers, it is untenable to hazard that the Damang goldmine was granted to the 3rd Respondent.

It is however not in dispute that the 3rd Respondent has a beneficial ownership in E&P. In his comments on the Complaint dated 1 July 2026 by Counsel, 3rd Respondent indicated that: **"The 3rd Respondent has been the beneficial owner of E&P since its incorporation".**

The 3rd Respondent attached Exhibit IBM in support of this assertion but nowhere in Exhibit IBM is the name of 3rd Respondent mentioned. Rather the sole subscriber of E&P is **Dzata Group Holdings Ltd.** Our investigations show that **Dzata Group Holdings Ltd.** is a 100% wholly owned Ghanaian Company founded, owned and led by the 3rd Respondent **(See Modern Ghana Newsportal on 6 October 2026 @https://www.modernghana.com).** That being the case, the claim by 3rd Respondent of having beneficial ownership in E&P is not farfetched. To all intents and purposes and without assuming jurisdiction to lifting the veil of incorporation, the Commission finds that 3rd Respondent can be said to be the directing mind and controller of E&P.

It is not in dispute that the 3rd Respondent is a brother to 1st Respondent. Did the latter play any role in the grant of the Damang Mine to E&P as to put the 1st Respondent in a conflict of interest situation?

In his comments on the complaint, the 3rd Respondent gave a narrative of how E&P came to acquire the Damang goldmine commencing from when E&P started working in the Mining Space in 1997. He indicated that E&P had worked as subcontractor in the Damang goldmine since 2002 providing services to other contractors awarded contracts directly by Goldfields. That the Company was awarded the sole mining contract for the provision of mining services in Damang Concession in 2019. That in September 2023, Goldfields served notice to E&P to demobilise from Damang at the end of December 2023, Exhibit IBM6. That in 2024, E&P approached Goldfields to acquire the Damang mine after the latter had demobilised. That the latter gave its approval in principle and requested E&P to obtain a "No-Objection letter" from government. Based on this, E&P per letter dated 8 March 2024, ie Exhibit IBM13 requested for the said "no-objection" from the Ministry. That by letter dated 12 March 2024, the Government of Ghana granted a no objection pursuant to section 52 of the **Minerals and Mining Act 2006(Act 703),** Exhibit IBM7.Counsel for 1st and 2nd Respondent, the Hon. Attorney-General and Minister for Justice forcefully made the same claim.

That Goldfields reneged on its promise to sell its interest in the mine to E&P but chose rather to apply for a renewal of its lease which application was rejected by government. That Goldfields subsequently executed a 1-year extension for the lease after which it will hand over the lease to government, Exhibit IMB8.That in March

2026, government invited bids for wholly owned Ghanaian Companies to acquire the Mine. That E&P bided among others and won leading to Exhibit IBM10 and Exhibit IBM11.

Exhibit IBM7 and Exhibit IBM13 read together demonstrate that processes for the acquisition of Damang Mine begun under the previous NPP Administration at a time when both the 1st and 2nd Respondents were not in office. The Commission has no evidence that the 1st and 2nd Respondents influenced the previous administration to approve the said processes in readiness for them to give the final nod when they win the 2024 Presidential Elections and assume office. Such a thinking will definitely be driving clairvoyance to absurd limits. Since the 1st and 2nd Respondents did not engage in any preparatory processes towards the acquisition of Damang by 3rd Respondent's Company, it is untenable to claim that they put themselves in a conflict of interest or likely conflict of interest situation relative to the said acquisition.

Our examination of other circumstances relating to the said acquisition also absolves the 1st and 2nd Respondents of conflict of interest.

One cardinal issue in this complaint is whether the 1st Respondent chaired a Cabinet meeting where matters relating to Damang Acquisition were discussed.

The constitutional role of the Cabinet in the governance of Ghana appears to be nebulous. Apart from indicating under Article 76(2) of the Constitution that: **"The Cabinet shall assist the President in the determination of general policy of the Government"** and Article 77 (1) that **"...the Cabinet shall be summoned by the President who shall preside at all its meetings; and in the absence of the President, the Vice-President shall preside",** there are no specific provisions under the Constitution to expatiate this role. The Constitution too does not define what the general policy is.

Nonetheless, our investigations show that on two (2) occasions matters in relation to the Damang mine were discussed by Cabinet. Exhibit OOP1, the 18 March 2026 meeting was chaired by the 2nd Respondent whilst as per Exhibit OOP2, the 21 April 2026 meeting was presided over by the 1st Respondent. As per what was recorded, it is only in Exhibit OOP1, that matters in relation to Damang acquisition were deliberated upon by the Cabinet. The 1st Respondent was recorded as being absent.

And the reasons for his absence, as if the 1st Respondent had a premonition of the instant complaint against him, was recorded in Exhibit OOP2 as follows:

> **1.3.1 The following corrections were made to the minutes of the Second Emergency Cabinet Meeting held on Wednesday, 18th March 2026.**
>
> **(ii) Page 4, paragraph 2.1 should read "The Vice-President welcomed members to the 2nd Emergency meeting and noted that the meeting had been convened to consider a single agenda item presented by the Minister for Lands and Natural Resources. She informed Cabinet that due to conflict of interest in respect of the subject matter under consideration, the President had recused himself from the meeting..."**

The Commission has no justification to doubt the validity, accuracy and integrity of Exhibit OOP1 and Exhibit OOP2 for two (2) reasons. The first is that both exhibits were submitted to the Commission under **Confidential Cover**. The second is that the Complainant did not allege that the 1st Respondent participated, supervised or presided over the Cabinet meeting where matters in relation to Damang Mine were deliberated upon to warrant a critical evaluation of the exhibits. He rather raised a concern on **"...whether the President participated in, influenced, supervised, or in any manner presided over deliberations relating to a transaction from which his close family member directly or indirectly benefited".** The short answer to this inquiry as per the evidence available to the Commission is **NO**.

The Complainant had also requested the Commission to determine at page 2 of the Complaint whether the President declared any personal or family interest in the matter before Cabinet considered or approved the takeover. The approach to this question is that since the President recused himself from the meeting where the Damang Mine was discussed and that recusal was communicated to Cabinet by the Vice- President, it was not necessary for the President to declare any interest as he did not sit in that meeting.

This act of recusal demonstrates that the 1st Respondent conducted himself in a transparent manner and in such a way as to avoid suspicion and improper motive consistent with the decision of this Commission in the case of **Arnold Agbodo v. Prof. Frimpong Boateng (Case No. 49/2019)**, where this Commission held that a public officer breaches this provision on conflict of interest:

> **...not where there is actual conflict of interest. Where there is already in existence a personal relationship between a public officer and another**

person or between their respective institutions or companies, there is an onerous responsibility on the public officer to ensure that all future transactions between the two persons or institutions are conducted with utmost transparency and in a such a manner as to avoid suspicion or any improper motive or conduct.

Another demand placed on this Commission by the Complainant is to determine whether the cabinet approval process complied with constitutional standards of transparency, accountability and avoidance of conflict of interest. Proceedings of Cabinet are by law confidential. The Cabinet Oath provided under the Second Schedule to the Constitution requires of a Cabinet Minister not to "directly or indirectly reveal such matters as shall be debated by Cabinet and committed to my (sic) secrecy".

In addition to this, Section 6 of **the Right to Information Act,2019 (Act 989)** explicitly exempts Cabinet deliberations and records from public disclosure. To the extent that matters before Cabinet are confidential, it is otiose to raise the issue whether the approval process of the Damang Mine met the constitutional standards of transparency or even accountability. These standards are known to Cabinet alone and cannot be shared. As for the test of conflict of interest, Exhibit OOP2 clearly showed that the President recused himself for conflict of interest reasons.

With respect to the 2nd Respondent, the Complainant has not alleged that she has a relationship with the 3rd Respondent disabling her from participation in meetings of the Cabinet on the Damang mine.

Remotely however, there is an implied suggestion that because she benefitted from the humanitarian assistance provided by the 3rd Respondent, her actions are tainted with conflict of interest. This is what the Complainant alleged at the last paragraph of page 1 and the opening paragraph of page 2 of his complaint:

> **While humanitarian assistance may not in itself constitute wrongdoing, the continuous provision of private logistical and aviation support to the highest offices of the Republic by an individual who is simultaneously alleged to be benefiting from government-related transactions raises legitimate constitutional and ethical concerns regarding undue influence, preferential access, dependency, reciprocity, and the possible blurring of the distinction between public office and private family interests.**
>
> **The concern is therefore not merely whether any direct financial benefit accrued, but whether the prevailing circumstances create a reasonable perception that official decisions of the President or the Executive may be compromised, influenced, or**

appear to be influenced by personal or familial considerations contrary to the spirit and letter of Article 284 of the Constitution, which imposes a duty on public officers to avoid situations likely to give rise to conflicts between personal interests and official responsibilities.

In his comments on the Complaint relating to this, the 3rd Respondent indicated that he owns three(3) aircrafts and that over the years, he has made the aircrafts available on non-commercial basis to individuals from diverse political backgrounds as well as ordinary Ghanaian citizens requiring transportation for emergency medical, humanitarian or business purposes and that the assistance offered to airlift the 2nd Respondent was "done in circumstances where time was of the essence and was directed at preserving the life and health of a Ghanaian citizen."

Our investigations show this claim to be quite true. For instance, the 3rd Respondent is on record to have offered his private jet in August 2025 to airlift samples of the remains of eight victims from a tragic Ghana Armed Forces helicopter crash to South Africa for DNA identification and forensic testing. In April 2026, it is reported that the 3rd Respondent sent his older private jet abroad for specialized medical-equipment retrofitting to transform it into a public emergency air ambulance following his acquisition of a new Bombardier Global 6500 aircraft.

Although, the Commission has not been able to ascertain the veracity of this retrofitting, it takes judicial notice of the fact of airlifting of remains of the helicopter victims as same was shown live on National Television. What the Commission has not been able ascertain is whether this was carried out for free or paid by the state.

Be that as it may, the preponderance of the evidence shows that there was nothing special in the airlifting of the 2nd Respondent for medical treatment under the auspices of the 3rd Respondent.

Did this in any way affect the conduct of 2nd Respondent when she presided over Cabinet Meeting on 18 March 2026, ie Exhibit OOP1?

The 2nd Respondent fell ill on 28 March 2025. At this time, the Damang Mine was not before Cabinet. She returned on 23 May 2025. The Damang matter came before Cabinet on 18 March 2026, almost a year after her recovery.

There is evidence that the 2nd Respondent eulogized the 3rd Respondent when she returned from her treatment abroad. This is what she said:

> **I want to thank all of you, your prayers, your good wishes. I can't thank you enough. I am very grateful. But I must single out, beyond family and friends, your brother Ibrahim Mahama [3rd Respondent]. He spared no effort to ensure I had everything I needed. He also came to the hospital and sat by me, and that in itself was healing. So, my little boss, I am very grateful. I am very happy to be back, and there is so much we all have to do. I know that with our collective will, we will achieve much more for our country.** (See Ghana Web dated 23 May 2025 at https//mobile.ghanaweb.com)

The Commission has no evidence that this operated on the 2nd Respondent/Vice-President's mind when she chaired the Cabinet Meeting on the 18 March 2026. The 2nd Respondent like the 1st Respondent has no interest in E&P. Both Respondents are not shareholders or Directors of E&P. Indeed, their names are not mentioned in Exhibit IBM, the profile of E&P from the Registrar Generals Department and therefore do not stand to benefit from the grant of Damang Mine to E&P.

What is significant is that the 3rd Respondent Company was adjudged the successful tender by the Tender Committee when it bided for the Damang Mine as per Exhibit IBM10 dated 8 April 2026, ie after the Cabinet Meeting of 18 March 2026. The Commission has no evidence that the 2nd Respondent and 1st Respondent influenced the tender committee of the Minerals Commission to recommend the award of the Damang Mine to the 3rd Respondent. That being the case, one cannot by any stretch of imagination conclude that the 1st and 2nd Respondent put themselves in a conflict of interest situation relative to the award of the Damang Mine to the 3rd Respondent.

In the Commission's considered view also, the continuous use by the 1st Respondent of the aircraft of the 3rd Respondent did not put the 1st Respondent in a conflict of interest situation for three (3) reasons.

First, there is no evidence that the use of the aircraft occasioned any cost to the state and the Complainant did not allege so. Second, the Aircraft from the Commission's investigations and as indicated by 1st and 2nd Respondents was not used solely by 1st Respondent but by officials of the State. The Commission agrees with the 1st Respondent that the benefit was to the state and not the individual. That being the case, it is only the state that could have been said to be in a conflict of interest or

likely conflict of interest if the state were a person qua public official within the intendment of Article 284 of the Constitution quoted supra.

Third, assuming not admitting that the benefit was personal to the 1st Respondent, it is trite that the 1st and 3rd Respondents are brothers and since no payments were made, the use could appropriately be considered as a gift from a family member. Gifts from family members to public officials are not prohibited under section 3.7.2(ii) of the **Guidelines on the Conflict of Interest to Assist Public Officials Identify, Manage and Resolve Conflict of Interest** quoted supra. In effect, the 1st Respondent did not breach these Guidelines, nor did he put himself in a conflict of interest situation.

7.3 ANALYSIS OF ISSUES THREE (3) AND (4)

These issues are as follows and will be discussed together:

3.**Whether the 1st and 2nd Respondents abused their positions as President and Vice-President relative to their dealings with the 3rd Respondent.**

4.**Whether the transaction relating to the grant of the Damang mine to 3rd Respondent was actuated or tainted by corruption.**

The case of the Complainant discernible from the Heading of the Complaint is that the 1st Respondent allegedly abused his office in relation to the takeover of the Damang Mine by 3rd Respondent.

The natural or ordinary meaning of the expression "abuse of office or position" is "to use something for the wrong purpose in a way that is harmful or morally wrong". It also means "using a role of authority, trust or responsibility for a wrongful, unfair or illegal purpose-usually to gain a personal benefit or to harm someone else" (See the **Cambridge Dictionary** accessed on 4 November 2026 at **https://dictionary.cambridge.org).**

The circumstances leading to grant of the Damang goldmine to the 3rd Respondent have been elucidated supra in the analysis of issues 1 and 2. Our investigations reveal that the 1st Respondent did not participate, supervise or preside over matters related to the said grant either before the Cabinet or at the Minerals Commission and the

Ministry of Lands and Natural Resources, the competent agencies to determine the grant. Since the grant was done outside the 1st Respondent's remit, it is difficult to see how the 1st Respondent could have abused his position or office.

With respect to the allegation of corruption, generally corruption may be defined as the abuse of entrusted power for private gain. In Ghanaian jurisprudence, corruption viewed as a crime is explained under section 240 and 241 of the Criminal Offences Act, 1960(Act 29) as follows:

> **Section 240—Explanation as to Corruption by Public Officer**
>
> **A public officer, juror, or voter is guilty of corruption in respect of the duties of his office or vote, if he directly or indirectly agrees or offers to permit his conduct as such officer, juror, or voter to be influenced by the gift, promise, or prospect of any valuable consideration to be received by him, or by any other person, from any person whomsoever.**
>
> **Section 241—Explanation as to Corruption of Public Officer**
>
> **A person is guilty of corrupting a public officer, juror, or voter in respect of the duties of his office or in respect of his vote, if he endeavours directly or indirectly to influence the conduct of such public officer, juror, or voter in respect of the duties of his office or in respect of his vote, by the gift, promise, or prospect of any valuable consideration to be received by such public officer, juror, or voter, or by other person, from any person whomsoever.**

But corruption has several elements. The Complainant has delineated some of the elements of corruption supra as "undue influence, preferential access, dependency, reciprocity and the blurring of the distinction between public office and private family interests" under last paragraph of page 1 of the Complaint as follows:

> **While humanitarian assistance may not in itself constitute wrongdoing, the continuous provision of private logistical and aviation support to the highest offices of the Republic by an individual who is simultaneously alleged to be benefiting from government-related transactions raises legitimate constitutional and ethical concerns regarding undue influence, preferential access, dependency, reciprocity, and the possible blurring of the distinction between public office and private family interests.**

Unfortunately, the Complainant did not provide any factual basis for these allegations. What may be discernible as a basis is what the complainant describes as the "continuous provision of private logistical and aviation support to highest officials of the Republic" ie the 1st and 2nd Respondents by the 3rd Respondent who is benefitting from "government related transactions".

Is the Complainant suggesting that "government transactions" ie contracts were given to the 3rd Respondent because of the provision of private logistical and aviation support to the 1st and 2nd Respondents?

The only government related transaction mentioned in this complaint is the award of Damang Goldmine to the 3rd Respondent. But as our analysis has shown under issues 1 and 2, there was nothing untoward about that transaction. Our investigations did not reveal any incidence of undue influence, preferential access, dependency, or reciprocity or any blurring of the distinction between private and family interests in this transaction. In the result, the Commission finds the allegation of corruption against the Respondents not substantiated.

8.0 SUMMARY OF KEY FINDINGS

1. The 3rd Respondent is the sole shareholder and owner of Dzata Holding Group Ltd which has a 100% shareholding in Engineers and Planners

2. The 3rd Respondent is the Chief Executive Officer and owner of Engineers and Planners.

3. Engineers and Planners commenced business operations in Ghana in 1997 at a time that the 1st and 2nd Respondents were not in the present offices.

4. The processes by E&P to acquire the Damang Mine begun under the previous NPP administration whose Minister for Lands and Natural resources issued a "no objection" letter to the said acquisition.

5. Engineers and Planners successfully bided for Damang Goldmine which was formally being operated by Goldfields Ghana Ltd.

6. Issues on the Damang Goldmine were deliberated upon by the Cabinet of Ghana at its meeting held on 18 March 2026.

(d) was based wholly or partly on a mistake of law or fact, or

(e) was based on irrelevant grounds or mase for an improper purpose, or

(f) was given in exercise of a discretionary power and reasons should have been given for the decision, the Commission shall report its decision and the reasons for it to the appropriate person, Minister, department or authority concerned and shall make the recommendation that it thinks fit(emphasis supplied).

Complaints of contravention

287.(1) An allegation that a public officer has contravened or has not complied with a provision of this Chapter shall be to the Commissioner for Human Rights and Administrative Justice who shall unless the person concerned makes a written admission of the contravention or non-compliance, cause the matter to be investigated

(2) The Commissioner for human Rights and Administrative Justice as the case may be may take such action as he considers appropriate in respect of the results of the investigation or admission (emphasis supplied).

Common to these provisions is the power given the Commission and the Commissioner to exercise its or his discretion on the basis of the findings after an investigation.

The act, omission or decision of the Respondents that was the subject matter of this investigation related to the approval of the transaction involving the grant of the disputed Damang goldmine to the 3rd Respondent and the use on various occasions of the private jet belonging to 3rd Respondent for Presidential travels. The Commission notes that as at the date of this decision, the mining lease agreement between the government of Ghana and Damang Gold Mining Limited, the disputed mine has since been ratified by Parliament as per Exhibit IBM14. **(Also See Graphic online News portal accessed on graphic.com.gh on 4 August 2026).**

It appears also that the President, as at the date of this decision, no longer uses the said private jet for presidential travels.

Our investigations did not find any act or omission or decision of the Respondents amounting to corruption or abuse of power.

The Commission did not also find that the acts of the 1st and 2nd Respondents put them in a conflict-of-interest situation relative to their dealings with the 3rd Respondent.

Having found in totality that Respondents did not act contrary to law and that there was no illegality in the conduct of the Respondents, the Commission is of the considered view that the allegations brought against them by Complainant have not been substantiated.

Accordingly, the Commission hereby dismisses the allegations in their entirety as totally lacking in merit.

The Commission commends the parties for their cooperation but takes exception to the refusal of the Complainant to appear before it to assist in the investigations which his own complaint requested.

DATED AT COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ), OLD PARLIAMENT HOUSE, JOHN EVANS ATTA MILLS HIGH STREET, ACCRA THIS 25TH DAY OF NOVEMBER 2026.

DR. JOSEPH WHITTAL
COMMISSIONER