

IN THE SUPERIOR COURT OF JUDICATURE,
IN THE HIGH COURT OF JUSTICE
HUMAN RIGHTS DIVISION
ACCRA – A.D. 2025

Filed on 25/03/2025
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am/pm
Registrar
HIGH COURT, ACCRA
HR/0086/2025
Originating Motion No.

IN THE MATTER OF AN APPLICATION FOR BAIL PENDING INVESTIGATIONS

1. KWABENA ADU BOAHENE
 2. ANGELA ADJEI BOATENG
- ... Applicants

And

1. ECONOMIC & ORGANISED CRIME OFFICE
 2. THE ATTORNEY-GENERAL
- ... Respondents

AFFIDAVIT OF SAMUEL ATTA AKYEA IN SUPPORT OF
MOTION FOR BAIL PENDING INVESTIGATIONS

I, Samuel Atta Akyea of House No. C114 Aborlebu Crescent, Labone, Accra, do hereby make oath and say as follows that:

1. I am the deponent hereto and head of the law firm, Messrs Zoe, Akyea & Co., lawyers for the Applicants herein whose requisite authority I have to depose to the facts contained in this affidavit relating to their unlawful incarceration by the Respondents herein which are within my knowledge and honest belief unless otherwise stated.
2. The Applicants are man and wife and they reside at No. 2 Stream Park Avenue, Mayfair, East Airport, Accra.
3. The 1st Applicant is the immediate past Director of National Signal Bureau (NSB).
4. In the year 2016, the 1st Applicant was the Deputy Director of NSB. He became the Director in 2017 until the change of Government.
5. The 1st Applicant is also involved in businesses with the 2nd Applicant.
6. The 1st Respondent is a statutory body mandated by law to monitor and investigate economic and organised crimes in the realm and on the authority of the 2nd Respondent prosecute such offences which may filter through their work.
7. The 2nd Respondent has his office defined by the Constitution. He is the principal legal advisor to the Mahama Government. He is responsible for the initiation and conduct of all prosecution of criminal offences in the realm.

8. Significantly, all offences prosecuted in the name of the Republic of Ghana shall be at the suit of the Attorney-General or any other person authorised by him in accordance with law.
9. The 2nd Respondent wields an equal power to handle all civil matters affecting the State.
10. The 2nd Respondent's audience in all the courts of Ghana is constitutionally guaranteed.
11. In terms of the law and policy, the 1st Respondent is subordinate to the 2nd Respondent and carries out his instructions.
12. On Thursday, the 20th day of March 2025, the 1st Applicant arrived at Kotoka International Airport on a British Airways flight from the United Kingdom.
13. On his arrival at the airport, the 1st Applicant reclined at the Commercially Important Persons (CIP) lounge to await the delivery of his luggage.
14. While in the lounge, a ruse was created by the 1st Respondent that there were immigration issues with the 1st Applicant's passport and he was accordingly wanted at the open place where the passengers of all aircrafts landing at Kotoka International Airport check out.
15. The law-abiding 1st Applicant got into the open space only to be handcuffed for public ridicule and ferried to the 1st Respondent's cells where he is still languishing.
16. On Friday, the 21st day of March 2025, the 2nd Applicant walked to the premises of the 1st Respondent to find out how her husband (1st Applicant) was doing and she was immediately arrested as well.
17. The Respondents with a clear motive to incarcerate the Applicants beyond the 48-hour period as spelt out by the Constitution has imposed burdensome and unreasonable conditions on the Applicants as the precondition for their granting them bail.
18. These onerous conditions for bail are as follows:
 - i. The 1st Applicant is to post bail in the sum of One Hundred and Twenty Million Ghana Cedis (GH¢120,000,000.00) to be justified.
 - ii. The 2nd Applicant is to post bail in the sum of Eighty Million Ghana Cedis (GH¢80,000,000.00) and also to be justified.

19. It is obvious that the justification of the bail conditions is at the pleasure of the Respondents.
20. While playing with the liberty of the Applicants, the 2nd Respondent in the midmorning of the 24th day of March 2025, engaged the press and painted the Applicants to the whole world as criminals in a very unprofessional manner and it is difficult to come to terms with the fact that the 2nd Respondent had the premeditation and the aim of pronouncing them guilty when their statements had not been taken neither are they been charged with any criminal offence nor arraigned before a Court of competent jurisdiction.
21. The verbatim report of that prejudicial and sordid press conference at the instance of the 2nd Respondent is hereby annexed and marked as Exhibit "A".
22. The liberty of the Applicants should not be at the sufferance of the Respondents who have clearly shown an intention to continue with this blatant violation of their rights to liberty pending investigation.
23. It would be a travesty of justice to allow the Respondents, the captors of the Applicants, to determine the reasonable conditions that are requisite for their bail, given their demonstrated utmost bad faith and unmitigated prejudice in the matter.
24. On the 24th day of March 2025, just before the 2nd Respondent spewed out the prejudicial matters against the Applicants to the media world, I requested from the officers of the 1st Respondent to have a confidential engagement with the Applicants before they are interrogated by the investigation officers of the 1st Respondent.
25. The officers of the 1st Respondent would not release the Applicants from the EOCO cells to sit with me to conduct my professional work. The officers of the 1st Respondent insisted that I should engage the Applicants at the counter of the cells while they listen and record the lawyer-client interaction.
26. The raw denial of the Applicant's right to a lawyer prompted me to report this constitutional aberration and deviation to Mr. Raymond Archer, the deputy Executive Director of the 1st Respondent.
27. An obvious emissary from Mr. Raymond Archer informed me at his reception that Mr. Raymond Archer was in a meeting and I will be ushered in after his meeting. I sat in Mr. Archer's reception from 9:34am to 12:22pm while the 2nd Respondent, Honourable Dr. Dominic Akuritinga Ayine, on the television set, was poisoning the general public and by extension, the entire world against the Applicants.

28. Mr. Raymond Archer did not give me the minimum courtesy of giving me a lawyer relating to a subject matter affecting my Clients. He did not call me after his meeting when I have recorded my bona fides with his receptionist and informed his emissary that his boss should call me back when he has the space to meet me.
29. The upshot is that the Respondents have committed a constitutional infraction in denying the Applicants their right to counsel and shall continue to do so until the court intervenes in this travesty of justice.
30. The Applicants do not even have the power to interfere with the investigations at the behest of the Respondents.
31. The Applicants are ready to meet the necessary and reasonable conditions that the Honourable Court may impose on them to ensure that they appear before the Respondents to continue their investigations, if any.
32. The Applicants are well-meaning Ghanaian couple and are properly circumstanced in society and have responsible individuals who are ready to stand as sureties for their bail.
33. In the premises, the Applicants pray the court for bail pending investigations.

Sworn in Accra this 28th
day of March 2025)

Before me,



Deponent

TRANSCRIPTION OF AG'S STATEMENT ON MR. ADU BOAHENE AND WIFE
(VERBATIM)

NSB or the National Signal Bureau is a successor organization to the now defunct Bureau of National Communications prior to the enactment of the NSB Act that is the National Signal Bureaus Act 2020 which transformed the the BNC into the NSB. Mr. Adu Boahene served as deputy director of the BNC and subsequently his director from 2017 in other words he has been been in the management and control of Ghana signal infrastructure since 2017. As a director of BNC, Mr Adu Boahene was a co-signatory to the BNC's director's account at Fidelity Bank. while serving as director of BNC however he and his wife uh Miss Angela AJ Boateng registered a company on October 23rd, 2018, which they named and listen carefully BNC Communications Bureau Limited. It is important to note that the similarity between the names here that is BNC was designed you know to engage in a criminal Enterprise which will unfold as I go further for purposes of differentiation we will call the private company private BNC and call Ghana signal and National Security BNC the national BNC Mr Adu Boahene who is the head or who was the head of the BNC and his wife are listed as directors of the private BNC okay so they registered the company and they the two of them together are the directors of the company the two directors of the company on October 26 2018 the couple opened a corporate account for the private BNC at Universal Merchant Bank unb. According to the Mandate on the account either of the directors could sign checks and approve transactions on the account in his capacity as director of Mr. Adu Boahene on January 30th 2020 signed a contract on behalf of the government of Ghana and the National Security Council on the one hand and on the other hand an Israeli company called ISC Holdings Limited the contract was for the purchase of a cyber defense system software at a price of 7 million United States of American dollars let us call this contract the GoG ISC contract on February 20th no February

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT..... REFERRED
TO IN THE AFFIDAVIT.....
SWORN BEFORE ME THIS.....
DAY OF
COMMISSIONER FOR OATHS

Exhibit A

6th 2020 MR. Adu Boahene then transferred an initial amount of 27,100,000 Ghana Cedis that is uh from the national bnc's operations account at Fidelity Bank to the private BNC account at umb official documentation on the transfer revealed that the amount was for the payment of cyber defense system software which the national BNC was buying from ISC Holdings in Israel Mr. Adu Boahene in effect transferred the the money from the national BNC to his private company the private BNC a review of the transactions on the bank accounts reveals that once the funds from the national BNC landed in the account of his private BNC at umb bank Mr Adu Boahene caused his private BNC to transfer an amount of 9 million 537,500 120 Ghana cities to isc's Holdings in Israel by the exchange rate at the time time this amount was the Ghana City equivalent of 1,750,000 United States of American dollar to justify or facilitate the transfer of the nine um the 9.5 million and uh the um no the 9.5 million Mr. Adu Boahene fraudulently attach a copy of the government of Ghana ISC contract as well as an invoice which he held out as an invoice issued by ISC Holdings Limited or in respect of the government of Ghana I contract on March 18th 2020 uh and March 30th 2020 respectively he again transferred 21 million Ghana cedis from the national BNC director's account at Fidelity Bank to the same private BNC account at umb the narration of the transaction indicated that it was for the payment of the Cyber defense systems that the national BNC was buying. The transfer from the national bnc's account brought the total transfers that he made to the I mean to his private BNC to 49 million Ghana cities by the exchange rate at the time this amount was exactly the Ghana Cedi equivalent of 7 million United States of American dollars the exact full amount which he quoted as the price at which ISC ISC holding sold the the Cyber defense I mean equipment to government of Ghana all the payments transferred to the invoice I mean a number from I Holdings all the the payments reference the invoice number from ISC Holdings to the National BNC. Importantly after the initial transfer of the 9.5

million um Ghana cedis which was the equivalent of 1.750 um United States of American dollars from the private BNC to ISC Holdings no further payments were made to IC Holdings a review of transaction on the private account reveals that after the payment of the 1.7 uh 1,750,000 applying the rest of the funds for their personal use making transfers to local third parties um you know personal investment as well as transfers uh

to unknown persons and by the way ladies and gentlemen of the media we have all the Account Details we have all the receipts and any person who took money from Mr. Adu Boahene from that account we know. Now our investigation which was conducted by Eoco as have indicated um has established that the ultimate beneficial no sorry in essence the difference between 49 million Ghana Cedis 49 million GH cedis being the money Mr. Adu Boahene transferred from the bank account of the national BNC to his private BNC and 9.5 million being the money he actually paid to the ISD C Holdings for the software ended up with him and his wife that is to say that the sum of 30 462,000 480 Ghana cedis of taxpayers money went into the investigation has revealed that the ultimate beneficial owner of BNC Communications limited um is another company known as Advantage Solutions limited 10 other companies are through a very complex web of shareholding and directorship connected to Mr. Adu Boahene and his wife Angela investigations have also established that monies mostly proceed of crime from the advantage Solutions limited and BNC Communications Bureau limited and other similar sources have been transmitted under very suspicious circumstances through the bank accounts of these companies the investigations have revealed so far that the suspect and his wife have registered companies which we are currently tracking we are tracking all the companies there about 10 you know of them that they created with Advantage Solutions mostly owning all the companies for purposes of the investigation that is ongoing we are not going to disclose uh those

companies but I want to warn any executive director or employee of each of the companies who I mean knowing that Mr. Adu Boahene has been arrested if they make movement of assets we will track and arrest them and prosecute them so they are all warned. All banks are also warned that if we see any wire transfers or cash withdrawals on any of the accounts belonging to Mr. Adu Boahene and his companies the bank managers and all their employees who are involved in those transfers will equally be arrested activity and we are monitoring all their bank accounts from the financial Intelligence Center with a press of a button we can see the movement of money you know uh on any of the accounts so we are monitoring that very very closely we know for instance that the three banks that they have been dealing with you know with in substantial Financial transactions are um Fidelity Bank and St big bank so we are monitoring them I mean keenly and the managers of this bank if they are listening to me should be careful about what they do on any account connected to Mr. Adu Boahene and his wife and their companies the investigations also establish that the proceeds from the suspect's activities were used to buy significant landed properties and other assets of considerable value both in Ghana and elsewhere Now ladies and gentlemen of the press my fellow country men and women I want to give you a sample of what we have discovered so far we have tracked most of the assets so the the there the the properties the properties that are in their names their joint names or sometime in their um you know and their individual names are as follows we have number two stream Path Drive May Fair Estates La that is La arra uh for that they deposited and we have the deposit slip as well as the receipt from the estate developer 1 million United States of American dollars number six ID Avenue Mayare Estates La arra deposit 500,000 United States of America that's American dollars that's the initial deposit all right then we have number seven idit avenue May Fair 200,000 United States of America the property number 8 Edith Avenue

May Fair Estates La Acra 97 8 9785 United States of American dollars was deposited for that property but we are sure that other cash payments were made to complete the I mean the purchase and then the transfer of ownership so we are tracing all those documents number n idit AV May estate 270,000 United States of American Doll deposited initial deposit for the purchase number 10 idif Avenue mayair Estates AC 150,000 United States of American dollars deposited now he also owns a company um known as Vex properties V Vex properties and we've traced the proceed of crime to Vex properties also they have Vex property properties owns 27 houses located at oara each house cost I mean an estimated cost of 295 United States th000 United States of American dollars we also know that they have two properties in Landon that we are tracking and I'm going to to trigger the mutual ass I mean legal assistance between the United Kingdom and Ghana for us to be able to lay hands on those uh you know properties now we also know uh we've been following the bank transactions uh very closely and we know that on February uh 11 2020 um they made a a 16 million fixed deposit from the payment received from BNC security this was from the initial payment of 27,1 100,000 Ghana cities on April 3rd 2020 Mr Adu Boahene alone redrew 7,250,000 United I mean Ghana cities okay in cash he redo that in cash this payment came out of the second transfer of the 21 million from BNC National Security to BNC his private um you know company on April 24th 2020 um 1.5 million cash R war was made on the same day he made payments to a real estate company to the tune of 1,566 million so you see the The Coincidence okay of the transactions that were taking place then February um to September out of the 49 million which was transferred from BNC National Security to BN I mean his private BNC about 99% was withdrawn by him personally and they were largely very large cash withdrawals and we believe that those were the withdrawals that were made for him to make the deposit for the um properties that are enumerated above now we

are still tracking suspect edu um and his assets and then of course his wife but we will conclude in the next few days and file charges against him and the other suspects so they are currently in detention um we have given them bail that bail conditions from ecco um he and his wife and the other suspect now the reason I'm not mentioning the other suspects is that for purposes of our strategy and if they are listening to me you know they should take this very seriously the other suspects for purposes of our investigation and prosecution okay we may have to use some of them as prosecution witnesses if they give us the offer fine if they don't want to cooperate with this evidence I don't see how they and the suspect will get out of I mean uh being convicted um but of course they will have to be I mean their guilt will have to be proven Beyond Reasonable Doubt so I'm not making I'm not being presumptuous but we have all the evidence all the evidence from what you I mean you can you can see from the uh enumeration that we have all the I mean evidence including receipts including receipts of payments and withdrawals I mean and and um uh slips and so on so this is for um suspect Adu Boahene and his wife now.

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CERTIFICATE OF IDENTIFICATION
Order 20 rule 14(3) of C.I. 47

I, JUSTINA CLOTTEY..... Commissioner for Oaths hereby certify that I identified the Exhibit(s) marked as Exhibit "A" attached to the affidavit of the Deponent which was sworn before me.

Dated at Accra this 25th day of March 2025.

