

THE POLICE, THE PEOPLE, THE POLITICS

Police accountability in Ghana



2007
Commonwealth Human Rights Initiative

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

The nature of CHRI's sponsoring organisations allows for a national presence and an international network.* These professionals can also steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups also bring local knowledge, can access policy makers, highlight issues, and act in concert to promote human rights.

CHRI is based in New Delhi, India, and has offices in London, UK, and Accra, Ghana.

International Advisory Commission: Sam Okudzeto - Chairperson. Members: Eunice Brookman-Amisshah, Murray Burt, Jean Corston, Alison Duxbury, Neville Linton, B.G. Verghese, Zohra Yusuf and Maja Daruwala.

Executive Committee (India): B.G. Verghese – Chairperson. Members: Anu Aga, B.K.Chandrashekar, Bhagwan Das, Nitin Desai, K.S. Dhillon, Harivansh, Sanjoy Hazarika, Poonam Muttreja, Ruma Pal, R.V. Pillai, Mool Chand Sharma and Maja Daruwala – Director

Executive Committee (Ghana): Sam Okudzeto – Chairperson. Members: Anna Bossman, B.G. Verghese, Neville Linton and Maja Daruwala - Director

Executive Committee (UK): Neville Linton - Chairperson; Lindsay Ross - Deputy Chairperson. Members: Austin Davis, Meenakshi Dhar, Derek Ingram, Claire Martin, Elizabeth Smith.

* Commonwealth Journalists Association, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Parliamentary Association, Commonwealth Press Union and Commonwealth Broadcasting Association.

ISBN: 81-88205-50-8

© Commonwealth Human Rights Initiative, 2007.

Material from this report may be used, duly acknowledging the source.



Commonwealth Human Rights Initiative

CHRI New Delhi Office (Headquarters)

B-117, Second Floor, Sarvodaya Enclave
New Delhi - 110 017
INDIA
Tel: +91-11-2685-0523, 2652-8152, 2686-4678
Fax: +91-11-2686-4688
E-mail: chriall@nda.vsnl.net.in

CHRI London Office

Institute of Commonwealth Studies
28, Russell Square, London WC1B 5DS
UK
Tel: +44-020-7-862-8857
Fax: +44-020-7-862-8820
E-mail: chri@sas.ac.uk

CHRI Africa Office

House No.9, Samora Machel Street Asylum Down
opposite Beverly Hills Hotel
Near Trust Towers, Accra, Ghana
Tel: +00233-21-271170
Tel/Fax: +00233-21-271170
E-mail: chriaf@africaonline.com.gh

www.humanrightsinitiative.org



THE POLICE, THE PEOPLE, THE POLITICS

Police accountability in Ghana

2007

Acknowledgements

The Commonwealth Human Rights Initiative produced this report as part of a two year project on police accountability in Ghana. The report is the result of the work of many people, both inside and outside CHRI.

CHRI would like to thank its contributors in Ghana: Mr Kofi Bentum Quantson (Former National Security Co-ordinator and Chief Executive of the Narcotics Control Board), who provided a report on the history of the police in Ghana, Dr Appiagyei-Atua (Lecturer in the Faculty of Law at the University of Ghana), who provided a report on the external accountability systems of the Ghana police, Francis Tsidi (Research Department of the Ghana police) who provided a report on internal accountability systems and Dr Raymond Atugugba (Lecturer in the Faculty of Law at the University of Ghana) who provided a report on the structure of the Ghana police and its effects on accountability.

Daniel Woods, coordinator of CHRI's police reform programme, shaped and edited the report. The report was also edited by Nana Oye Lithur, Regional Coordinator of CHRI's Ghana office, and Maja Daruwala, CHRI's Executive Director. The editing team was assisted by CHRI staff Edmund Foley, Paul Cruise, Chris Hunt, Elizabeth Wright, Jacob Coppell and Sashi Nathan and Paul Avuyi, who provided valuable input and information. CHRI is also grateful to the Inspector General of Police, Patrick Acheampong, and the police administration for reviewing the report and for their comments. This report was designed and laid out by Chenthilkumar Paramasivam of CHRI.

CHRI would particularly like to thank the British Foreign and Commonwealth Office and the British High Commission in Ghana for their financial support.

CHRI's police accountability project in Ghana

The Commonwealth Human Rights Initiative has been working across the Commonwealth on issues of police reform for around ten years. This report is produced as part of a two year programme on police accountability in Ghana that has been funded by the British Foreign and Commonwealth Office. The programme aims to assist the development of a responsive and accountable police service in Ghana by examining the police system, identifying accountability gaps, facilitating policing, human rights and accountability related advocacy and increasing debate around and demand for police accountability in Ghana. The programme's activities have included the production of research reports, advocacy documents and information pamphlets, a roundtable workshop on police accountability in Africa, public hearings and a series of radio and television spots on policing and human rights.

Introduction

Chapter 1: A history of police and politics in Ghana

- Ghana's police: A product of history
- Traditional policing methods
- The British come to town: Colonial policing
- Independence: A new Ghana, same old police

Chapter 2: The legislative framework

- Constitution
- Police Service Act
- Regulations
- Police Service Instructions
- Security and Intelligence Act
- International standards
 - United Nations standards
 - Regional mechanisms
 - The African Union
 - The African Commission on Human and Peoples' Rights
 - The African Court on Human and Peoples' Rights

Chapter 3: Understanding the police

- Police service hierarchy
- Other types of police officers
- Governing bodies
- Training
- Resources

Chapter 4: The public experience of policing

- Corruption
- Illegal arrest and detention
- Excessive use of force
- Failure to act on complaints

Chapter 5: A conceptual framework for democratic policing

- Policing and human rights
- Hallmarks of democratic policing
- Benefits of democratic policing
- Dimensions of police accountability
- Transparency: An essential precursor to accountability

Chapter 6: Internal accountability mechanisms

- Standards of conduct
 - Police Service Instructions
 - Criminal Procedure Code
 - Police Service Act

- Police service regulations
- Disciplinary proceedings
- Public complaints
 - Suggestion box – from the early 1970s
 - Public Complaints Unit – late 1970s to early 1980s
 - Special Police Command Unit – early 1980s to early 2000s
 - Monitoring and Inspection Unit – 2001 to 2005
 - Police Intelligence and Professional Standards Bureau – 2005 to current

Chapter 7: External accountability mechanisms

- Independent oversight bodies
 - Police Council
 - Membership
 - Budget and resource constraints
 - Political will
 - Inadequate legal framework
 - Regional Police Committees
 - Commission for Human Rights and Administrative Justice
- Executive
 - Ministry of Interior
 - Ministry of National Security
 - Attorney General
- Parliament
 - Question time
 - Parliamentary Select Committee on Defence and Interior
- Judiciary
 - Committees of Inquiry
- Civil society
 - Civil society organisations
 - Media
- Other

Chapter 8: Debates on police reform in Ghana

- Young Report – 1951
 - Definition of police officer
 - Police Council
 - Decentralisation
- Boye Committee – 1971
- Commission of Inquiry into Promotions within the Police Force (Tibiru Committee) – 1979
- Ryan Report – 1992
- Presidential Commission into the Ghana Police Service (Archer Commission) – 1996
- Okudzeto Commission – 2001

Chapter 9: Agenda for change

Annex 1: United Nations and other global instruments on policing

Annex 2: United Nations basic principles on the use of force and firearms by law enforcement officials

Endnotes

Introduction

In 2007, Ghana celebrated 50 years of independence. Ghana's journey over those 50 years to modern, stable democracy has not always been smooth, and has included periods of military rule and illegitimate political interference.

Years of colonial style policing prior to independence left a legacy of regime policing in Ghana; violent, heavy handed and politicised policing that was in place to protect the ruling regime's interests, rather than to serve the Ghanaian community. Today's police service is a direct descendant of the colonial police force, and continues to exhibit many of the same traits. Despite a series of government sponsored commissions and committees that began in 1951 and have continued to sit since the Boyes Report of 1970, the police have not been pulled into line with the modern democracy that Ghana is today; at different times reform has been undermined by political turmoil or discarded because of a lack of political will for change.

A fundamental part of a modern, democratic and transparent police service is accountability – accountability to the state, accountability to the community and accountability to the law. Accountability protects the police service from illegitimate political interference and ensures that police officers are community focused and held to agreed standards of conduct. Global good practice shows that accountability is best achieved through an interconnected web of internal and external oversight mechanisms.

Ghana has the foundations of a strong and effective accountability structure. Internally, it has clearly set out standards of conduct and behaviour, and a high profile, accessible internal complaints unit to deal with incidences of misconduct. Externally, there is an independent advisory body, the Police Council, which is charged principally with advising the President on matters of appointment, finance and administration, a series of Regional Police Committees that support the Police Council, and a human rights commission that can deal with complaints against the police. Accountability in terms of the executive is managed by the Ministry of Interior, Ministry of National Security and the Attorney General's Department. Parliament, the court system, government sponsored committees of inquiry and civil society all play roles in external oversight.

Despite a strong foundation on paper, there is still a lack of capacity to effectively monitor police activities and accountability within the police in Ghana. There are two clear reasons for this. The first is that while there are mechanisms in place (such as the Police Intelligence and Professional Standards Bureau) they are undermined, under-resourced or underpowered. The second is that a key component of the accountability web – an independent, empowered civilian complaints authority – has not been put in place in Ghana.

Ghana's police are ready for reform, and Ghana's community is ready for a police service that reflects its role as a model of successful and stable democratic change for other African nations. It is time that the decades of discussion and debate around police reform translates to tangible change, and the final shaking off of a colonial legacy that has persisted for too long.



“

Ghana's police are ready for reform, and Ghana's community is ready for a police service that reflects its role as a model of successful and stable democratic change for other African nations.

It is time that the decades of discussion and debate around police reform translates to tangible change, and the final shaking off of a colonial legacy that has persisted for too long. ”

CHAPTER 1



A history of police and politics in Ghana

The only major step Ghana has taken towards wholesale reform of the police since 1993 was the establishment of a commission to look into policing in 1996, known as the Archer Commission. The Archer Commission came back with a wide-ranging set of suggested reforms, but the Government has been less than keen to implement any of its recommendations.

“Common colonial antecedents provide Commonwealth police structures a core resemblance but post-colonial histories have shaped present day policing in each country.... The evolution of policing values has been influenced by individual national histories.”¹

Ghana’s police: A product of history

Ghana’s police service is a product of its political history. Although some form of policing has been practiced in the region since the early days of the Akan people, the current police organisation owes its roots to the days of British trade and colonies along the Gold Coast. The British established military style police squads to protect their trading interests and support their colonial governance structures; when the British sailed, the new independence government kept on the military and political policing structures. The police were heavily involved in the first overthrow of the new democratic government – and remained heavily involved with Ghana’s politics and governance, with officers making up half the members of the ruling council. A series of coups and attempts at democracy continued to shape the police over the next years; the 1970 policing legislation that was based on a quickly abandoned 1969 constitution is still in place today. Despite attempts over the years to bring about change and reform and to pull the police into line with the modern democracy Ghana is now proud to be, political upheavals and – more recently – a lack of political will, have prevented reform from taking root.

Traditional policing methods

Policing in Ghana can be traced as far back as the traditional systems of criminal justice practiced by different groups who lived in the region that has formed modern-day Ghana. The traditional Akan system is one example. The Akan is an important linguistic group, which today includes the Fantis along the coast, the Ashantis in the forest region north of the coast and the Guans on the plains of the Volta River. The Ga and Ewe speaking communities reside in the south and south east and the Moshi-Dagomba speaking tribes live in the northern and upper regions.² In historic Akan communities, individuals, the extended family, groups of men and the community performed various police functions. Goals of this system included crime prevention and the apprehension and punishment of people who had committed an offence. The Akan people recognised two types of offences – public and private. Public offences were considered a crime against the community, while private offences were minor crimes (such as a misdemeanour or civil wrong). Policing activities dealt with public offences.

Main policing tasks were performed by groups of men. Duties were similar to modern police tasks and included laying ambush to apprehend a thief who was on the run,³ using community intelligence to prevent a crime taking place, using an oral warrant issued by the Chief to arrest suspects⁴ and conducting village patrols.⁵ The communities did not have a prison system – offenders were ostracised from the community for a set period of time.

“Traditional Ghanaian societies had notions of policing which were put in practice to protect and promote the cultural values and democratic ethos of the state. This social control mechanism, however, was disrupted at the advent of colonialism and replaced by the “Colonial Police Model” which was built with the goal of advancing and protecting colonial interests at the expense of the rights of colonised people.”⁶

The British come to town: Colonial policing

European contact with modern-day Ghana first took place in 1470, when a party of Portuguese traders landed on its coast. The first permanent trading colony was established by the Portuguese in 1482, at Elmina Castle, at Cape Coast. The first recorded English visit to the area took place in 1553. Over the next three centuries, the English, Danes, Dutch, Germans and Portuguese controlled various parts of the coast.⁷

The British government took control of British trading forts on the Gold Coast in 1821, and signed an agreement with local Chiefs in 1844 that provided legal legitimacy for the British presence.⁸ Meanwhile, they were involved in a series of conflicts with the Ashantis, whose kingdom was based inland. These conflicts ended with the British establishing control in 1902, and making the northern areas a British Protectorate.⁹ A former German colony was administered from Accra by the British from 1922 as a League of Nations mandate. The British administered each of these areas separately until 1946, when they were consolidated and ruled as a single unit.¹⁰

Colonial-style policing was introduced to the Gold Coast by Captain George MacLean around 1831 – he had been appointed Governor of the area in 1830.¹¹ It was firmly aimed at ensuring trade security and protection of the colonising forces – the initial officers were ex-militia that had been in the traders' employ and were selected on the basis of their physical strength.¹² Tasks included patrolling the trade routes that linked Ashanti and the coastal states and protecting the colonial merchants and officials around the old Portuguese trading colony at Elmina Castle.¹³ It has also been suggested that the police were additionally charged with maintaining and enforcing the provisions of the agreement signed between the British and the Fanti people.¹⁴ By 1871, the force was made up of 90 members.¹⁵

The process of formalising the police began in 1873. This was a period of British aggression against the Ashanti communities, and the Governor sought assistance from the British military stationed in Nigeria.¹⁶ 700 men were brought in from the Hausa people in northern Nigeria to assist with establishing and maintaining control, and after the end of conflict, the men stayed on to complete civilian policing duties.¹⁷ An ordinance was passed that "sought to provide for better regulation and discipline of the Armed Gold Coast Police."¹⁸ The Hausa police – as they became known – were synonymous with heavy handed, brutal policing, particularly when putting down civil disorder against the colonial regime.¹⁹ They were also known as "buga-buga", literally "beat-beat" in Hausa.²⁰

The police organisation continued to develop during this period, but never moved away from its role as a protector of colonial trade and promoter of colonial governance. In 1876, the Gold Coast Police Force was renamed the Gold Coast Constabulary.²¹ Internal specialisations developed and divisions were created, including Railways and Mines Detachments and Escort Police, Marine Police and a Criminal Investigations Department.²² These specialisations mark the policing priorities; the Escort Police were given guard and escort duties in the important (for British trading interests) mining areas; the Marine Police particularly focused on smuggling and looting and the Criminal Investigations Department (and later a Special Branch) was used to gather intelligence.²³

In 1894, another Ordinance was passed, giving the authority to form a civil police in the Gold Coast. 400 members of the previous Constabulary were recruited to form the basis of the new Gold Coast Police Force.²⁴ This led to the establishment of police stations and the standardisation of policing in the British controlled areas of the Gold Coast.²⁵ The majority of recruits were illiterate; strength and brawn counted for more than education or skills. Training was extremely heavily focused on military aspects of policing. The police officers produced had "attitudes that generated intimidation and bullying with an almost robotic obedience to repressive colonial laws that were regime-centred."²⁶

“...the pioneers of the Ghana Police were drawn from military sources without proper civil police training. They were held in such dread that children were frightened by the mere mention of the word ‘police.’ Any member of the public found in the company of a policeman, was considered to have been involved in some trouble! The police was tolerated in the society through fear. In the minds of many, it was the symbol of the imperial powers.”²⁷

Independence: A new Ghana, same old police

During the late 1940s, there was an expansion of political consciousness and the nationalist movement in Ghana. This foreshadowed the Governor appointing a British Police Commissioner to lead a committee to look at policing in Ghana in 1951 – this committee produced a set of recommendations that reflected the importance of establishing an independent and politically partisan police service.

Ghana’s road to independence began in earnest in 1951, with self rule, and continued in 1954 when a Constitution was put in place that established a cabinet of African ministers drawn from an all-African legislature chosen by popular vote.²⁸ Elections were held and the Convention People’s Party, led by Kwame Nkrumah, won a majority of seats in the new Legislative Assembly.

In 1956, Prime Minister Nkrumah issued a government paper setting out proposals for independence of the Gold Coast.²⁹ The British government responded positively, and said that it would agree to a firm date for independence if a reasonable majority of the Legislative Assembly voted for independence, following a general election.³⁰ An election was held later the same year that returned the Convention People’s Party and Nkrumah to power, with 71 of 104 seats.³¹ Ghana became an independent state on 6 March 1957.³²

A key policy of the Nkrumah government was an Africanisation of the police force, where Ghanaians were promoted to fill positions within the police organisation that had previously been held by the British.³³ In 1958, Mr Madjitey, the first Ghanaian police head, was appointed.³⁴ This was an important step towards ensuring that the police organisation was focused on the needs of the Ghanaian community – in 1952, there were 74 European and 18 African senior officers, with no European junior officers and 3,388 African officers.³⁵

“There are colonial police forces, which exist to enforce authority of a foreign power on a colonial people. In such forces, this will be demonstrated by the fact that the police will be peremptory and even brutal in their dealings with the inhabitants of the colony while they will be ingratiating and subservient to those in authority. In a free and independent country, the conduct of the police must be the exact reverse of this. They must demonstrate to the people at large that the country is free and independent by behaving towards the ordinary man in the street with exactly the same politeness as they would behave towards those in superior positions.”³⁶

- Prime Minister Nkrumah addressing the first graduating class of Ghana’s first Police College, established in 1959

Over the next few years, the Convention People’s Party began to take a stronger hold over politics in Ghana. Nkrumah extended and made use of preventive detention legislation.³⁷

In 1960, a new constitution was adopted, moving Ghana away from a parliamentary system with a Prime Minister to a republican form of government with a powerful President.³⁸ The Ghana Police Force became the Ghana Police Service once again.³⁹ Then, in 1964, a constitutional referendum brought one party rule to Ghana.⁴⁰

On 2 January 1964, a police officer made an unsuccessful assassination attempt on President Nkrumah.⁴¹ In the wake of the attempted shooting, the Police Commissioner and a number of other senior officers (as well as prominent politicians and personalities) were arrested and detained.⁴² The President made it clear that he did not trust the police and reduced the size of the organisation from 13,247 in 1964 to 10,709 in 1965.⁴³

Just over two years later, on 24 February 1966, the military and the police joined together to oust Nkrumah and the Convention People Party from rule.⁴⁴ The Government was dismissed, the Convention People Party and legislature dissolved and the Constitution suspended, while a replacement governance structure, the National Liberation Council, was put in place.⁴⁵ The police were heavily involved in both the coup and the subsequent government – senior officers publicly admitted involvement in the coup planning and execution, while the National Liberation Council was made up of four police officers and four military officers.⁴⁶ This regime brought into force a Police Service Act that had been drafted in 1965. The Act had a wide ambit and provided for “the organisation of the police service, the appointment, promotion and retirement of police officers and the conditions of service, disciplinary proceedings and other matters relating to the police service.”⁴⁷

The National Liberation Council handed over power to an elected civilian government in 1969, under a new constitution. The 1969 Constitution established the Police Council, and brought the police service into the folds of the public service.⁴⁸ Comprehensive police legislation – which is still in place today – was then passed, based on the 1969 Constitution. The Police Service Act covered police functions, structures and conditions of service, misconduct and unsatisfactory service and complaints and offences.⁴⁹ The Government continued to work towards police reform, putting together a committee to review the police, particularly focusing on structure, effectiveness and state of equipment.⁵⁰

The fledgling Government was faced with mounting economic strife and in late 1971 devalued the currency in an attempt to reign in the country’s finances. This led to massive inflation and then civil unrest. The military seized power in early 1972 and put the National Redemption Council in place.⁵¹ The Council was made up of military officers, the head of the police and a civilian.⁵² While the police had less direct involvement in governance under the National



Redemption Council than it had under the National Liberation Council, the coup leader and Government head, General Acheampong, was unsure of his position within the military and equipped a unit within the police with sophisticated weapons, in an attempt to create a counter-force to the military.⁵³ This dragged the police further into muddy political waters. Another backward step was the renaming of the Police Service Act as the Police Force Act, and renaming the Ghana Police Service the Ghana Police Force.⁵⁴

One positive development during this period was the removal of the police from the wings of the public service, which allowed more autonomy and demanded more self-accountability for the police.⁵⁵

General Acheampong's regime is synonymous with high levels of corruption and mismanagement. Civil unrest against his attempts to bring in a non-party state resulted in his replacement by his Chief of Staff, Lieutenant General Akuffo. Akuffo was unable to reign in corruption – much of which took place within military ranks – and was deposed in a violent military coup in 1979, led by Flight Lieutenant Jerry John Rawlings and his Armed Forces Revolutionary Council. Junior police were involved in the coup, and a combination of the constant political upheaval and police involvement in politics reduced the police organisation to a state of paralysis.⁵⁶

In September 1979, Rawlings' interim Government handed over power to a democratically elected President and Parliament, underpinned by a modern constitution based on examples from western democracies.⁵⁷ However, this government was short lived and was overthrown by a second coup led by Rawlings in 1981.

“None of the civilian and military regimes during the mandate period [1957-1992], made any serious attempt to provide mechanisms that would enable the service to exercise its functions in the society efficiently and honestly, while respecting individual dignity, rights and liberties.”

- Paragraph 1.13.2 of the NRC Report

Rawlings held on to power, with his Provisional National Defence Council as a governing authority, until 1992, when a new Constitution was accepted by national referendum and presidential and parliamentary elections were held. Rawlings won the presidency and his political party, the National Democratic Congress, won the majority of seats in the Parliament.⁵⁸ The Constitution entered into force in early 1993, and has remained Ghana's Constitution over the subsequent years – it includes provisions relating to the creation of the police service and sets out the basis for the Police Council. Free and fair elections held in 2000 heralded the first democratic change of government Ghana had ever seen; another series of elections were successfully held in 2004.⁵⁹

“The governing councils of the institutions [including the police service] are made up of such officials as to make them a part of the government. The number of political office-holders represented on those councils ceased to exist and the institutions suffered from the discontinuation of leadership.”

- Paragraph 1.10.3 of the NRC Report

The only major step Ghana has taken towards wholesale reform of the police since 1993 was the establishment of a commission to look into policing in 1996, known as the Archer Commission. The Archer Commission came back with a wide ranging set of suggested reforms, but the Government has been less than keen to implement any of its recommendations.⁶⁰

CHAPTER 2



The legislative framework

The Ghana Police Service is created by the Constitution, and requires that the “police service shall be equipped and maintained to perform its traditional role of maintaining law and order.”

Constitution

The Ghana Police Service is created by the Constitution,⁶¹ and requires that the “police service shall be equipped and maintained to perform its traditional role of maintaining law and order.”⁶²

The Constitution also sets out the procedure for appointing the Inspector General of Police⁶³ and creates the Police Council and the Regional Police Committees, which have key presidential advisory roles on policing, and the potential to operate as oversight mechanisms.⁶⁴

As well as providing a broad framework for the police, the Constitution enshrines the protection and promotion of human rights into Ghana’s legal fabric. Article 13(1) enshrines the right to life, liberty and security of the person, while article 15(1) protects the Ghanaian people from torture and cruel, inhuman or degrading treatment or punishment. Article 14(1) prohibits arbitrary arrest, detention and exile. Other rights that are included in the Constitution include the right to a fair trial, the right to peaceful assembly, the right to property, the right to privacy, the right to equal treatment before the law and freedom of movement.

The Constitution also creates a National Security Council.⁶⁵ The Council is empowered to safeguard Ghana’s internal and external security, collect security information and integrate domestic, foreign and security policies to assist security and government agencies to cooperate, assess Ghana’s military power and consider policies on matters of common interest to government departments.

Membership of the National Security Council

The Council is made up of the President, Vice-President, the Ministers for Foreign Affairs, Defence, Interior and Finance (and others determined by the President), the Chief of Defence Staff (and two other members of the Armed Forces), the Inspector General of Police (and two other members of the police, including the Commissioner responsible for the Criminal Investigations Department), the Director General of the Prisons Service, the Directors of External Intelligence, Internal Intelligence, Military Intelligence, the Commissioner of Customs, Excise and Preventive Service and three Presidential appointees.

Police Service Act

Ghana’s police are defined and empowered by the Police Service Act 1970 (Act 350). Section 1 of the Act sets out the function of the police organisation:

“It shall be the duty of the police service to prevent and detect crime, to apprehend offenders, and to maintain public order and the safety of persons and property.”

Part II of the Act deals with the structure and conditions of the service – importantly, section 4 vests the responsibility for day-to-day supervision over the operation and administration of the service in the Inspector General, subject to any directions by the Minister. Part III details the Police Council created under the Constitution and sets out a list of possible misconduct, appropriate penalties, and outlines disciplinary procedures (see Part III, Regulation 21 for more information). The Constitution also sets out a process for public complaints to be taken (in Chapter V) and creates a Volunteer Police Reserve (Chapter VI).

The Act is missing a key component that international good practice considers essential for modern police legislation – it fails to set out clear and positive guidelines in terms of police

conduct. Modern police legislation includes a statement of police values to guide officers and set a benchmark for police behaviour. The importance of a statement of values is particularly apparent in Ghana, where police misconduct is a serious issue.

Statement of values – New South Wales Police

Section 7, Police Act 1990 (New South Wales, Australia)

Each member of NSW Police is to act in a manner which:

- (a) places integrity above all,
- (b) upholds the rule of law,
- (c) preserves the rights and freedoms of individuals,
- (d) seeks to improve the quality of life by community involvement in policing,
- (e) strives for citizen and police personal satisfaction,
- (f) capitalises on the wealth of human resources,
- (g) makes efficient and economical use of public resources, and
- (h) ensures that authority is exercised responsibly.

Statement of values – Ontario police

Section 1, Police Act 1990 (Ontario, Canada)

1. Police services shall be provided throughout Ontario in accordance with the following principles:

- 1. The need to ensure the safety and security of all persons and property in Ontario.
- 2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.
- 3. The need for co-operation between the providers of police services and the communities they serve.
- 4. The importance of respect for victims of crime and understanding of their needs.
- 5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.
- 6. The need to ensure that police forces are representative of the communities they serve.

The Act was drafted to operate under Ghana's 1960 Constitution. As a result, there are some inconsistencies between the Act and the current Constitution (see chapter 7 and a discussion of the Police Council for an example of these inconsistencies).

Regulations

Police officers are regulated by the Police Service (Administration) Regulations 1974 (LI 880) and the Police Force (Disciplinary Proceedings) Regulations 1974 (LI 993). Importantly, the Police Service (Administration) Regulations define standards of conduct, while the Police Force (Disciplinary Proceedings) Regulations set out the process for disciplining members of the police organisation. The regulations are discussed in more detail in chapter 6.

Police Service Instructions

The Police Service Instructions are a set of conduct guidelines published by the Inspector General. The Inspector General is empowered to set these guidelines by both the Constitution and the Police Service Act.⁶⁶ Acts – or failures to act – that are a breach of discipline are set

out in the Police Service Instructions, which sit beside the regulations dealing with standards of conduct.⁶⁷ A further discussion of the Police Service Instructions is at chapter 7.

Security and Intelligence Act

The Security and Intelligence Act 1996 sets up regional and district security councils, which are committees of the National Security Council (the Constitutional security body referred to in chapter 7). The regional and district security councils are empowered to deal with threats or likely threats to security within their jurisdiction. Each District Security Council reports to the relevant Regional Security Council, which in turn reports to the National Security Council.

Membership of Regional Security Councils

Each Regional Security Council (REGSEC) is made up of the Regional Minister and Deputy Regional Minister, the Chief Executive of the Metropolitan Assembly, an officer of the Armed Forces, the Regional Police Commander, the Crime Officer, and the Regional Officers of the Internal Intelligence Agency, Customs Excise and Preventive Service, Prisons, Immigration and the Fire Service.

Membership of District Security Councils

Each District Security Council (DISEC) is made up of the District Chief Executive, the District Police Commander, the Crime Officer and the district representatives of the Internal Intelligence Agency, Customs, Excise and Preventive Service, Immigration and the Fire Service.

In practice, there have been instances of regional and district councils operating well outside the scope of their legislative power. In 2004, following reports of gunfire in Tamale the day after presidential and parliamentary elections, the relevant Regional Security Council ordered police to hand detainees arrested for lawlessness to the military and for security agents to return “fire for fire”. This was well outside the Regional Security Council’s mandate and led to the police transferring a detained electoral candidate, Alhaji Issah Mobillah, to military custody. Alhaji Issah Mobillah died while in military custody; the post-mortem report found multiple abrasions on the body, five fractured ribs and the collapse of the left lung with haemothorax and identified these injuries as the cause of death.⁶⁸

International standards

Ghana is part of the international community of nations through its membership of the United Nations, the Commonwealth and the African Union. International agreements that govern policing should be reflected in Ghanaian law and practice so that they can become a stronger part of the police accountability framework.

United Nations standards

Key United Nations documents related to policing are set out in Annex 1.

Ghana is a signatory to a number of important United Nations treaties. It has ratified the International Covenant on Civil and Political Rights (ICCPR) (and the first optional protocol to the ICCPR, although not the second optional protocol that prohibits the death penalty),

the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It has also signed the Convention on the Rights of the Child (CRC) and has ratified, with a reservation, the Convention Against Torture (CAT). The reservation deals with the consent of parties to arbitration or jurisdiction of the International Court of Justice regarding interpretation of the CAT.

The Government has fallen behind on its reporting obligations under these treaties. It failed to submit any reports under the ICCPR (an initial report was due in February 2001, and a second report was due in February 2006)⁶⁹ or the ICESCR (an initial report was due in June 2003).⁷⁰ Reports due under the CEDAW have, for the most part, been submitted after their due date – an initial report was due in 1987, but was submitted with the second report in 1991, and the third, fourth and fifth reports, due in 1995, 1999 and 2003 respectively, were submitted as one report in 2005.⁷¹ It is the same for the CRC; an initial report due in 1992 was submitted in 1995, while the second report, due in 1997, was submitted in 2004.⁷² Reports were due under the CAT in October 2001 and October 2005 – neither of these reporting deadlines have been met.⁷³

Regional mechanisms

A number of regional mechanisms that exist to promote and protect human rights impact on policing. These include the African Union (AU), the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.

The African Union

The Organisation of African Unity (OAU) was established in 1963 as a forum for the promotion of independent democratic ideals of African countries in the process of emerging from colonial rule. The OAU became the African Union, or AU, in 2002. The African Charter on Human and Peoples' Rights (referred to as the 'Banjul Charter') was adopted by OAU members in 1981 and came into force in 1986. The Charter grants the same civil and political rights protections, directly relevant to policing, as other international instruments such as the Universal Declaration of Human Rights and the ICCPR. For example, the Charter prohibits torture or degrading treatment, detention without trial and arbitrary arrest, while also recognising the right to a fair trial, to an impartial judiciary and to have effective recourse to justice.

Although Ghana was a founding member of the African Union – Kwame Nkrumah was instrumental in the founding of one of the African Union's predecessor organisations in the 1960s – it has not been made accountable for abuses in contravention of international and regional human rights treaties. Unfortunately, the promotion and protection of human rights within AU member states has not been a major priority for the organisation, as it has focused on political and economic independence, non-discrimination and the eradication of colonialism at the expense of individual rights.

“There has been a general impression from the various discussions that the Ghana Police and other security agencies have continued to violate and infringe on the human rights of citizens. Suspects have been detained or held in custody without trial indefinitely and, in some cases in the past, extra-judicial killings were carried out.”

- Country Review Report of the Republic of Ghana – African Peer Review Mechanism

A push to strengthen the mechanisms of the African Union is currently underway as part of the New Partnership for Africa's Development (NEPAD) programme. Part of this includes the African Peer Review Mechanism (APRM), where assessments are made in key governance areas. Ghana has acceded to the APRM and was the first country to file its report and be peer reviewed by African heads of government.⁷⁴ The APRM report on Ghana contained comments and recommendations on policing.

The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights was born out of the Banjul Charter in 1987. The Commission aims to promote and protect the rights set out in the Charter. The Commission's mandate is to investigate and make recommendations to states to carry out investigations and implement measures to prevent the reoccurrence of abuse. The Commission has the potential to be an accountability mechanism for the enforcement of human rights on behalf of a broad range of victims of police brutality, although many argue that it is inadequately funded to achieve its mandate.⁷⁵

Ghana has failed to comply with its reporting requirements under the Banjul Charter. Its first report, due in January 1991, was submitted in September 1992. The next report was submitted in March 2000, and combined the 1995, 1997 and 1999 overdue reports.⁷⁶ The 6th, 7th and 8th reports – due in January 2003, 2005 and 2007 – are all pending and overdue.⁷⁷

The African Court on Human and Peoples' Rights

The African Court on Human and Peoples' Rights was established under the African Charter on Human and Peoples' Rights but is not yet fully functional. The first judges were appointed in January 2006, but it is now expected that the Court will merge with the African Court of Justice. Under the Charter, the Court can hear cases brought by signatory states, the Commission, and African intergovernmental organisations. Individuals and non-government organisations may, at the discretion of the Court, file a petition with the Court against a state, on condition that they have exhausted all other avenues of relief. However, the Court will only hear the case with the relevant state's consent.

Economic Community of West African States

The Economic Community of West African States (ECOWAS) was set up following the signing of the Treaty of Lagos on 28 May 1975. ECOWAS aims to promote economic integration within West Africa. There are currently fifteen members, including Ghana.

The major judicial mechanism within ECOWAS is the Community Court of Justice, which stemmed from an ECOWAS protocol adopted in July 1991.⁷⁸ The Community Court of Justice does not have a human rights mandate; nor are human rights referred to in the protocol that sets it up. The main function of the Court is to deal with disputes that arise under the Treaty of Lagos. However, some commentators have suggested that there is scope for the Community Court of Justice to deal with human rights violations.⁷⁹ The important difference for a potential human rights filing in this Court when compared to the African Court on Human and Peoples' Rights is that parties do not have to exhaust other avenues of relief before approaching the Community Court.



CHAPTER 3



Understanding the police

The foundation of the police service is its legal framework. However, it is also shaped by the way the organisation is structured and administered, the way it works on a day to day basis, and the way it is trained and resourced.

The foundation of the police service is its legal framework. However, it is also shaped by the way the organisation is structured and administered, the way it works on a day to day basis, and the way it is trained and resourced. This chapter looks at the nuts and bolts of the police as an institution.

Police service hierarchy

The structure of the police is set out in section 3 of the Police Service Act.



“Service delivery with enhanced integrity”

- Ghana Police Service vision

The Inspector General of Police is the head of the police and is responsible for exercising general day-to-day supervision over the operation and administration of the police. He or she is given the power to delegate any of his or her functions as he or she thinks fit. The Inspector General is appointed by the President in consultation with the Council of State (the President has the power to appoint all officers in the police, but is mandated to delegate this power to the Police Council). The Inspector General performs his or her duties subject to the control and direction of the Police Council – the role of the Police Council is set out below and a discussion of its oversight function is included in chapter 7.

The police hierarchy sits under the Inspector General. First, the Inspector General is assisted by two Deputy Inspectors General and an assistance unit. Below this sit two Deputy Inspectors General responsible for policing operations and general administration. Next are nine Directors General. Each Director General heads a department that fulfils a particular function within the police. The Directors in charge of auditing, operations, legal, the Criminal Investigations Division and services all report to the Deputy Inspector Operations. The Directors that handle human resources, welfare, strategic direction and monitoring and finance all report to the Deputy Inspector Administration.

Director Generals are also Commissioners, Deputy Commissioners or Assistant Commissioners. There are currently eight Commissioners. Commissioners are promoted from the Deputy Commissioner rank. The Commissioners are assisted by Deputy Commissioners, who are responsible for particular units within departments. Below this are eleven Regional Commanders who are responsible for particular geographic areas. Regional Commanders are in turn assisted by Regional Operational Commanders. Each Regional Operational Commander supervises the following units in their area: traffic, crime, courts and prosecution, public relations, arms, pay and audit, training (this is currently only in six regions) and mobile force (currently only eight regions). Each region (with the exception of Tema) is further divided into divisions, which are again further divided. Each district has a District Commander who has direct control and supervisory responsibility for all police stations in the district.

Other types of police officers

The Inspector General has the power to appoint any person as a Special Constable in an area where it appears that a riot or crime has taken place or is anticipated and the regular police will not be able to maintain order or protect life and property.

A Volunteer Police Reserve is also incorporated into the police framework. The Volunteer Police Reserve includes a Chief Inspector, Inspectors, Sergeant Majors, Sergeants, Corporals, Lance Corporals and Constables. The Inspector General exercises control over the Volunteer Police Reserve.⁸⁰

There is also provision for the enlistment of people to perform “supernumerary” duties. Supernumerary duties include assisting with parade organisation for ceremonies and special



Senior officers

Inspector General of Police

Deputy Inspector General (this rank was reinstated in 2002 following the Archer Commission report – for more information on the Archer Commission, refer to chapter 8)

Commissioner

Deputy Commissioner

Assistant Commissioner

Chief Superintendent

Superintendent

Deputy Superintendent

Assistant Superintendent/Director of Music/Senior Staff Instructor

Junior officers

Chief Inspector

Inspector, Grade

Regional Sergeant Major

District Sergeant Major

Sergeant

Corporal

Lance Corporals

Constable, Class I

Constable, Class II

Constable, Class III

Police Recruit/Band Learner

occasions. Although the Inspector General has the power to set out qualifications for the appointment, process of enlistment and conditions for supernumerary police, he has not done so – currently, regular officers complete these tasks.

Governing bodies

The Police Council is an independent advisory body established by the Constitution. It is mandated to advise the President on internal security policy (this includes the police service's role, budget and administration, as well as promotions of Assistant Commissioners and more senior officers) and to make regulations, with the approval of the President, to allow the police organisation to fulfil its functions and for the effective and efficient administration of the police service. The Police Council is empowered to make regulations for the control and administration of the police service, details of ranks, units and uniforms, conditions of service, authority of power and command and the delegation of disciplinary powers.

Below the Police Council sit a series of Regional Police Committees. Each of Ghana's ten regions have a Regional Police Committee that is charged with advising the Police Council on policing issues within its jurisdiction.

Training

“A group of police officers, drawn from various stations in Ghana has described the prevailing method of police training in the country as inadequate and as so cannot combat sophisticated crime. Speaking on behalf of 63 colleagues at the end of a basic practical skills training course in Accra yesterday, Chief Superintendent Mina Ayim said there was the lack of basic practical police skills training at the recruit, intermediate and in-service levels.”⁸¹

Current training programmes and standards are below par. This starts during the recruitment phase, where recruits generally have a low level of education.⁸² Recruitment into the police takes place at the rank-and-file and commissioned-officer levels.⁸³ Education requirements vary between just a basic level of spoken English at the entry levels, the completion of middle or junior secondary school for general applicants, up to the award of a university degree for officer rank applications.

Training for rank-and-file personnel (entry and general level police members) takes place at a police depot at Winneba; entry level training has also taken place in regional areas⁸⁴. Recruits go through a nine-month course that covers physical training and drill, firearms use, unarmed combat and first aid. Entry level members are also given general education and trained in patrol and escort duties, while general police are trained in criminal law and procedures, methods of investigation, current affairs and social sciences.⁸⁵

Up until Ghana attained independence, senior recruits were sent to the United Kingdom for training. In 1959, a Police College was established in Ghana to provide training to new recruits, with an initial intake of 14 Inspectors and Chief Inspectors.⁸⁶ Entry into the College is based on competitive examinations, which are open to police members in the Inspectorate rank (there are also a limited number of direct entry places).⁸⁷ In addition, the College runs two to six week refresher courses in general and technical subjects.⁸⁸ The Police College is staffed by police officers, and also hosts guest lecturers.⁸⁹

Police training at the College is problematic. Programmes are not taught in appropriate ways; for example, police accountability is taught as theory but its practical application is not discussed.⁹⁰ Police complain that instead of being taught skills that reinforce their role as community protectors, too much emphasis is placed on non-critical areas, such as parade and fatigue.⁹¹ There is little ongoing training; in many places, members of the police organisation do not even have access to basic documents, such as the Constitution, the Police Service Act or Police Service Instructions.⁹² During discussions with a researcher, the Inspector General’s office noted that not all police officers have an in-depth knowledge of conduct rules and standards, but argued that junior officers will acquire this information from senior officers through a trickle down process.⁹³

A human rights training manual has been prepared for the Ghana police service with assistance from the Commonwealth Secretariat Human Rights Unit. In a pilot project that commenced in May 2004, the Commonwealth Secretariat’s Human Rights Unit worked with police training institutions in five West African countries (including Ghana).⁹⁴ Following the workshops, the Commonwealth Secretariat developed and published a Manual of Human Rights Training for Police in Commonwealth West African Countries, which was launched in December 2005.⁹⁵

Resources

The Constitution requires the government to adequately resource the police so that it can perform its functions.⁹⁶ There is very little specific information regarding policing budgets and resourcing in the public domain. The Ministry of Interior declined to provide information on policing budgets or resourcing for this report. However, police officers have noted that the organisation is not adequately resourced and external commentators and commissions have also found that resources are lacking.

“The present conditions of the services are deplorable. It is woefully undermined, ill-trained and ill-equipped. Its motivation is almost nil and its morale low.”

- Report of the Archer Commission (1997)

“If you put a hungry and angry person in a classroom, you won’t be able to teach them. Newly trained constables are crammed into sleeping areas with no bathroom, kitchen or toilet facilities. The system doesn’t respect the dignity of police officers or their rights.”

- Superintendent Paul Aviyu, Ghana Police Service⁹⁷

The Ghana Police Service was estimated at 17,806 officers strong in 2005, serving 20.67 millions Ghanaians.⁹⁸ This puts the police population ratio at 1:1161; the United Nations approved police population ratio is 1:500. There is a 2:1 male to female ratio.⁹⁹



“

Excessive use of force is a fact of Ghanaian policing – and this is evidenced by blood let on the streets, wounds carried by victims and graveyard plots. ”

CHAPTER 4



The public experience of policing

The police are the first, and often the only, experience that people in the community have with the criminal justice system. Unfortunately, in Ghana this experience is marred by widespread corruption, illegal arrest and detention, excessive use of force and a failure to respond to complaints. These are all hallmarks of a regime-style police force that is not held accountable for its actions.

The police are the first, and often the only, experience that people in the community have with the criminal justice system. Unfortunately, in Ghana this experience is marred by widespread corruption, illegal arrest and detention, excessive use of force and a failure to respond to complaints. These are all hallmarks of a regime-style police force that is not held accountable for its actions.

Corruption

“When cases are reported at police stations, it often becomes an opportunity to collect bribes. They create the impression that they cannot help much; sometimes advising victims to go home and let sleeping dogs lie. But immediately some few thousand cedis change hands they come alive with enthusiasm to attend to the work for which they are paid with taxpayers’ money.”¹⁰⁰

– The Chronicle newspaper, Thursday July 20 2006

Ninety two per cent of Ghanaians have paid a bribe to the police at some point.¹⁰¹ Every rank of the police service – from junior officers on traffic duty, to mid-ranking officers demanding extra cash from complainants, to senior officers skimming bags of cocaine off drug bust hauls – has been accused of rampant corruption. The case studies in this chapter set out examples of the different types of corruption that the police engage in and show the lack of true accountability across the police service.

In the junior ranks of the police, bribes are used to turn a blind eye or to grease the proper and efficient functioning of the police. Traffic management is a particular problem. In an opinion piece in Ghana’s Chronicle newspaper, Augustina Akwei lamented that, “it is regrettable and a pity to see our police personnel who patrol our highways extorting money from drivers in the full glare of the public without shame instead of checking that traffic regulations are effectively observed by motorists”.¹⁰² In another example, in 2006, the Graphic newspaper reported that a Kasoa man had complained to his local police station that land he had purchased was being encroached. Four policeman arrived at the land following his complaint, but demanded 200,000 cedis payment before they would complete their work. The complainant resisted, but eventually paid the bribe – and then the police dealt with the encroachment.¹⁰³

Mid-level officers also abuse their position of power to line their own pockets. For example, in mid 2006, an Inspector level officer, Andrew Vortiah, was charged with defrauding people of cash. Complainants reported that he “sold” them cars from the police impound lot under the pretext that he was selling them on behalf of the police. After reaching an agreement on price, he would take them to the bank, and assist them to pay an agreed sum into his personal bank account (which he assured the purchasers was the official police account).¹⁰⁴

Corruption is not just limited to bribes or cash. In 2006, a Ghana Web news article reported that a police officer had knocked down a trader on a bicycle around the Madina market. The injured trader was not sent to hospital – the officer took him to the police station. At the station, the trader was unable to respond to office questioning due to his injuries, the police recorded his disorientation as drunkenness (rather than serious injury), and he was locked up. Eight hours later, as his condition rapidly deteriorated, a police officer who had not been involved in the incident raised an alarm that a person was about to die in detention and organised for the man to be transferred to hospital.¹⁰⁵

“Over the years, the image of the Ghana Police Service has been synonymous with bribery and corruption. A recent corruption perception survey conducted by Ghana Integrity Initiative, the local branch of Transparency International, indicates that the Ghana Police Service is unrivalled as far as corruption is concerned.”¹⁰⁶

Senior police involvement in the drugs trade has been splashed across the front pages of Ghana’s newspapers. There have been several reports of large amounts of cocaine seized by the police disappeared from police custody. At an inquiry into police links with drug cartels, the secretary of an alleged Venezuelan drug dealer accused a police superintendent of demanding a US\$200,000 bribe to “kill” a case pending against her boss.¹⁰⁷ At the same inquiry, the female companion of the accused said that the same superintendent had introduced her to the Deputy Director General of the Criminal Investigation Department to secure a US\$200,000 payment for her partner’s freedom. She also later alleged that he had called her to threaten her life after she made allegations in the press.¹⁰⁸

More opportunistic corruption also takes place – for example, in July 2006 the Enquirer reported that “a shimmering top-of-the-range Mercedes Benz Coupe under the custody of the Regional Police Commander has also evaporated... The vehicle vanished from the Central Police Station two weeks after it had been seized and parked at the station.” The incident was the subject of an internal police inquiry.¹⁰⁹

Illegal arrest and detention

Illegal arrest and detention is the most common police related complaint made to the Commission of Human Rights and Administrative Justice. The Constitution requires that a person is not detained for more than 48 hours before being produced before Court; this is routinely contravened. An example of the misconduct that takes place was reported in the Chronicle newspaper in May 2006, where police in the Volta region had arrested a man on suspicion of theft. The suspect was detained for three and a half days, was refused bail and was not given the opportunity to appear before a court within 48 hours.¹¹⁰

The Center for Public Interest Law, a Ghana based civil society organisation, has been running a programme that looks at remand prisoners and suspects and their access to justice.¹¹¹ The project has revealed that detainees are not routinely brought before a court within 48 hours – and in some instances, police officers deliberately circumvent the rule by making arrests on Friday night, which means that they can keep suspects in prison over the weekend. The same project found that arrest is used as an investigative tool, rather than as a conclusion based on the results of an investigation – when multiple suspects are identified, the police often arrest them all.¹¹²

Excessive use of force

Excessive use of force is a fact of Ghanaian policing – and this is evidenced by blood let on the streets, wounds carried by victims and graveyard plots. Excessive use of force has a number of faces – in 2006, there were a series of high profile shootings, where innocent members of the community were killed by police, who later claimed that they had suspected the victim was an armed robber. The stadium riots in Accra in 2001 showed the police organisation’s inability to deal with crowd control without resorting to excessive use of force; in the aftermath of the police response 126 people were killed.

Early in the morning of 26 April 2006, in Dansoman, a residential area of Accra, police shot at a taxi killing all four occupants. The women in the taxi had been robbed and were in

pursuit of the men who robbed them. Shortly after, police flagged the cab and when it did not stop they opened fire. Barely a month after this incident, a police officer shot and killed a 26-year old man in Kotobabi, a suburb of Accra, claiming that they suspected he was an armed robber.¹¹³ The police further claimed that he had died as a result of a gun wound to the leg; his family examined the body and claimed that he also had a bullet wound to the head. When the family demanded a post-mortem be conducted to identify a cause of death, the police demanded a payment of 500,000 cedis to perform the procedure. A Sergeant working at the police station said that this money was partly to pay the pathologist, and partly for bribes to get the autopsy approved. Family, friends and witnesses all disputed the police version of events, saying that the victim had not shot at police (they claim a gun found on his body was planted by police) and was an extremely unlikely suspect for armed robbery.¹¹⁴

In January 2006, the Chronicle newspaper reported that a suspect held in police detention had been tortured into a comatose state. The paper reported that the police beating started at the suspect's home, where he was taking a bath. The victim claimed that he was beaten in his bathroom by four police officers armed with batons and a machine gun, kicked as he was moved to the police station, and then beaten with batons at the station. He was then left in a cell until concerned inmates raised an alarm that he was seriously injured. The police response was to douse him with water and then, when he failed to regain consciousness, transfer him to a hospital.¹¹⁵

In 2001, the police reaction to unruly behaviour at a football match led to the death of 126 spectators.¹¹⁶ The match, between two of Ghana's leading football teams, was into its last five minutes at the Accra Soccer Stadium when a group of fans of the losing team began to pull chairs off the stadium, throwing them onto the pitch. The police response was to use tear gas in an effort to calm the disturbance; this action created panic, and then a stampede. The exit gates were locked and the deaths were caused by trampling as the terrified crowd attempted to get out of the stadium.¹¹⁷ According to one commentator, "lacking the requisite training and experience in handling such weapons and their effects when discharged into a crowd, it ought not to have come as a surprise that the officers handling these weapons responded without any reflection to the commands issued by their senior officers and 'fired indiscriminately into the North Stand'."¹¹⁸



Failure to act on complaints

The police often fail to act on complaints, or refuse to respond to a request. This is exacerbated by the corrupt element inside the police who request payment before they do their duty. For example, in mid 2006, the Daily Graphic newspaper reported that a primary school teacher had alleged that he was assaulted by a group of youths wielding guns and machetes. The teacher claimed that when he went to report the assault to the police, they demanded 200,000 cedis before they would proceed with the matter.¹¹⁹ In February 2007, the Daily Graphic carried a story of two police officers under investigation following allegations that they refused to investigate a crime, instead arresting and detaining the complainants for 21 hours, and then asking for a bribe before releasing them on bail.¹²⁰

CHAPTER 5



A conceptual framework for democratic policing

Implementing a more democratic approach to policing provides positive benefits for the community, for police officers, and for the police organisation. One benefit is a stronger sense of safety in the community. Another benefit is that crimes are more likely to be prevented and solved. As the public begins to see the police as allies in keeping the peace rather than instruments of oppression, they are more willing to share information that can help to prevent and solve crime.

The British colonial legacy of regime policing lives on in many countries of the Commonwealth. This means that the police are still accountable to the ruling powers alone, above and beyond their responsibility to their community. In Ghana, this legacy has been compounded by its years of political upheaval and military government. Today, membership of the Commonwealth is premised on the basis of democracy – and a democracy needs a democratic, accountable police force. This chapter looks at the conceptual framework that surrounds the ideas of democratic policing.

Colonial or regime policing means the police are protectors of government, rather than citizens. It often exhibits a focus on the maintenance of law and order, without any reference to the protection of human rights. Under colonial policing, the police:

- answer predominantly to the regime in power and not to the people;
- are responsible for controlling populations, not protecting the community;
- tend to secure the interests of one dominant group; and
- are required to stay outside the community.

Democratic policing is the alternative. It is rooted in the idea of accountability. A democratic police organisation is one that:

- is accountable to the law, and is not a law unto itself;
- is accountable to democratic structures and the community;
- is transparent in its activities;
- gives top operational priority to protecting the safety and rights of individuals and private groups and protects human rights;
- provides professional services; and
- is representative of the community it serves.

Policing and human rights

“... the police force of a democracy is concerned strictly with the preservation of safe communities and the application of criminal law equally to all people, without fear or favour.”

- United Nations International Police Task Force

The police are the gatekeepers of the criminal justice system. They are the first, and often only, contact that members of the community will have with the justice system. The police, as a primary agency responsible for protecting civil liberties, are responsible for turning the promise of human rights into reality. Failure to protect the human rights of a community is a failure of the police. Where police are active in committing human rights violations against their community, policing has failed on more than one level.

Respect for human rights is central to how the police do their work. Unlike any other branch of government, the police are given wide powers, including the authority to use force against citizens. This power to infringe on citizens’ freedoms carries with it a heavy burden of accountability. Good systems of governance require that the police account for the way they carry out their duties, especially for the way they use force. This ensures that the police will carefully consider the methods they use to protect peace and order, and that incidents of police misconduct or abuse of powers will be dealt with harshly.

“The role of the police is to help achieve that social and international order. They must, for example, uphold the laws that safeguard the lives of citizens. There should be no conflict between human rights and policing. Policing means protecting human rights”.¹²¹

- Independent Commission on Policing for Northern Ireland

Hallmarks of democratic policing

A democratic police force:

- is accountable to the law, and not a law unto itself. Democratic police institutions demonstrate a strong respect for the law, including constitutional and human rights law. The police, like all government employees, must act within the law of the country and within international laws and standards, including human rights obligations set out in international law. Police officials who break the law must face the consequences, both internally through the disciplinary systems of police organisations, and externally, in the criminal justice system.
- is accountable to democratic government structures. The police are a government agency and as such must account to the government. In a democratic system, the police account to elected representatives of the people – for example, parliaments, legislatures or local councils – for their performance and use of resources. Democratic police institutions also account ‘horizontally’ to other agencies of government, such as to Treasury or Finance Departments for their financial performance and sometimes to Public Service Commissions or Departments of Administration for their adherence to civil service codes and administrative policy.
- is transparent in its activities. Accountability is facilitated by transparency. In a democratic system, most police activity should be open to scrutiny and regularly reported to outside bodies. This transparency applies to information about the behaviour of individual police officers as well as the operation of the police organisation as a whole.
- gives top operational priority to protecting the safety and rights of individuals and private groups. The police must primarily serve the people. The police should be responsive to the needs of individual members of the community – especially to people who are vulnerable, marginalised or disadvantaged.
- protects human rights, especially those which are required for political activity characteristic of a democracy. Democratic policing implies policing that is supportive and respectful of human rights, and prioritises the protection of life and dignity of the individual. This requires the police to make a special effort to protect the freedoms that are characteristic of a democracy – freedom of speech, freedom of association, assembly and movement, freedom from arbitrary arrest, detention and exile, and impartiality in the administration of law. A democratic approach can place the police in a difficult position, if, for example, they are required to enforce repressive laws, and simultaneously protect human rights. These situations call for the skilful exercise of professional police discretion, which should always lean towards the prioritisation of human rights.
- adheres to high standards of professional conduct. Police are professionals whose behaviour must be governed by a strong professional code of ethics and conduct in which they can take pride, judge themselves and each other and against which they can be held accountable.
- is representative of the communities it serves. Police organisations that reflect the populations they serve are better able to meet the needs of those populations. They are also more likely to enjoy the confidence of the community and to earn the trust of vulnerable, marginalised or disadvantaged groups who most need their protection.

Benefits of democratic policing

Implementing a more democratic approach to policing provides positive benefits for the community, for police officers, and for the police organisation. One benefit is a stronger sense of safety in the community. Another benefit is that crimes are more likely to be prevented and solved. As the public begins to see the police as allies in keeping the peace rather than instruments of oppression, they are more willing to share information that can help to prevent and solve crime.

Additionally, showing commitment to democratic policing can be a way of building the case for more resources to fund improved policing – people are more willing to support the use of limited government funds when they believe public money will benefit them. And, finally, improved accountability will generate greater respect for the police and police officers – people’s views of the police will change as the police become part of the community rather than sitting outside it. This is vital to the effectiveness, morale and professional pride of police staff.

Regulating the use of force: A key issue for democratic policing

Police are authorised by law to use force. However, in many dictatorships, one party states, and even in some democracies, police powers are misused as instruments of the ruling regime to maintain control over the population at large. In accountable police systems the use of force is regulated and must be exercised within the context of larger legal frameworks such as international law and state obligations, domestic law relating to policing, individuals’ rights and the operation of the criminal justice system. Policing is also constrained by professional regulations, codes of conduct and rules, as well as the law of the land as it applies to every citizen.

Ghana has a long way to go in terms of regulating the use of force (see Chapter 4 for examples of excessive use of force by the police).

Dimensions of police accountability

There are commonly four types of accountability or control over police organisations:

- State control – The three branches of government – legislative, judicial and executive – provide the basic architecture for police accountability in a democracy. In a thriving and active democracy, the police are likely to be regularly held to account in all three halls of state; by Members of Parliament, the criminal and civil justice system and by government departments such as Auditors-General, service commissions and treasuries.
- Independent external control – The complex nature of policing and the centrality of police organisations to governments require that some additional controls are put in place. At least one such independent civilian body is desirable in any democracy, although many Commonwealth countries enjoy the services of a number. Institutions such as Human Rights Commissions – the Commission for Human Rights and Administrative Justice in Ghana – Ombudsmen and public complaints agencies can play a valuable role in overseeing the police and limiting police abuse of power. International good practice points to the effectiveness of independent, empowered and police-focused civilian complaints authorities.
- Internal control – Within the police organisation, such as disciplinary systems linked to a public complaints systems, training, mentoring, supervision and systems for recording performance or crime data.
- Social accountability – In a democracy, the police are publicly held accountable by the media and community groups (such as victims of crime, business organisations, local neighbourhood groups or civil society). In this way, the role of holding the police accountable is not left to the democratic institutions that represent the people, but ordinary men and women themselves play an active part in the system of accountability.

There is no hard and fast rule about the form good police accountability should take. This will depend very much on the circumstances of each country and the nature of the existing relationship between the police and the community. Mechanisms within the police service are essential - "all well functioning accountability systems are grounded, first and foremost, on internal police mechanisms, processes, and procedures".¹²²

External scrutiny is also needed and the basics for this are external oversight by:

- democratically elected representatives (in national parliaments if police are structured at the national level, in state legislatures if police are organised at the state level, and in local councils if policing is organised at the local level);
- an independent judiciary;
- the executive, through direct or indirect policy control over the police, financial control, and horizontal oversight by other government agencies such as Auditors-General, Service Commissions and Treasuries; and
- at least one independent statutory institution, such as an Ombudsman or a Human Rights Commission, or, ideally, a dedicated body that deals with public complaints about the police.

Transparency: An essential precursor to accountability

"The police service should take steps to improve its transparency. The presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back."

- Independent Commission on Policing for Northern Ireland¹²³

Accountability requires transparency. The police cannot be held accountable if the community does not have information with which to assess police conduct and to evaluate claims of misconduct or malpractice. Nor can the police properly perform their policing functions, protect themselves and their colleagues from improper influence and discrimination or resist wrongful orders if they do not have access to information.

One of the most effective ways of ensuring transparency is to realise the right to information. Maximum information disclosure supports police accountability. As long as genuinely sensitive law enforcement information is protected, there are few security reasons why the police should not allow the public to access their records. The police should at least make basic information available, such as departmental rules, policies and procedures, data about the occurrence of crime, details of incidents involving the use of force, internal discipline outcomes and the particulars of budgetary allocations and procurements.

A Freedom of Information Bill was drafted for Ghana in 2003, but has languished on government desks since then.¹²⁴ In October 2006, the Minister for Information and National Orientation was reported as saying that the Bill was being considered by the Cabinet, and reviewed to bring it into line with existing "complementary" legislation, including a Whistleblowers Act.¹²⁵ It is imperative that the government revisit the freedom of information legislation and ensure that it is passed in the near future. The government must also ensure that the law sets out an accessible and transparent process for accessing information.

Police Complaints Agency

A Police Complaints Agency is an independent civilian oversight body that investigates – or monitors investigations of – complaints against the police. It does not replace the internal police complaints process, but complements existing mechanisms. The advantages of this type of body are:

- the community is reassured that complaints are dealt with thoroughly and fairly;
- complaints processes are complainant focused, transparent and accessible;
- the quality of internal police investigations are improved; and
- police misconduct is discouraged, impunity is reduced and oversight is more effective.

To be successful, a Police Complaints Agency must:

- be independent of the police and government;
- have adequate powers;
- be sufficiently resourced; and
- be granted the authority to follow up on its recommendations.

There are four main types of police complaints bodies, classified around the way they hear or investigate complaints:

- **Model 1 – Independent investigations:** this kind of body is empowered to independently investigate any aspect of police activity to uncover potential misconduct.
- **Model 2 – Review investigations:** this version of the complaints body reviews internal police investigations. This involves considering reports and records generated by internal investigations to determine whether the investigation was conducted properly. The body is not given the power to verify the accuracy of the documents through proactive investigation or interviews.
- **Model 3 – Appellate authority:** this type of body hears appeals of police investigations brought by members of the community. The body hears the complaint, confers with the police and looks over the investigative file and then makes a decision on whether there was misconduct.
- **Model 4 – Process audit:** this involves an auditor reviewing the process by which a police agency accepts and investigates complaints, commenting on the fairness and thoroughness of the process. It does not investigate or comment on individual complaints.

The most effective model is a hybrid of model 1 and model 2. A distinction is drawn between serious misconduct and other misconduct and the type of investigation is based on the classification of alleged misconduct. For example, a complaint of serious misconduct is actively investigated by staff employed by the body, while a complaint of less serious misconduct leads to a review of the internal police investigation into the complaints.

CHAPTER 6



Internal accountability mechanisms

Internal accountability – or self-regulation – promotes professionalism and responsibility. Internal mechanisms are also cheaper and, if implemented properly, can be a faster way of addressing misconduct or poor performance than external mechanisms.

Internal accountability – or self-regulation – promotes professionalism and responsibility. Internal mechanisms are also cheaper and, if implemented properly, can be a faster way of addressing misconduct or poor performance than external mechanisms (although external mechanisms are an integral part of the overall accountability structure). Internal systems can be developed to monitor performance, maintain discipline, investigate public complaints against the police, investigate allegations of abuse of power or outright corrupt and criminal behaviour and manage any resulting disciplinary procedures. They have aspects of both carrot and stick. Incentives within the police involve regular and quicker promotions, recognition and honours, while disincentives can include dismissal, reduction in rank, reprimand, fines and withholding or deferment of extra duty.

Standards of conduct

The standards of conduct that apply to police officers, and the disciplinary measures that apply if an officer fails to adhere to these standards, are set out in a number of different policies, laws and regulations.

Police Service Instructions

The Police Service Instructions are a set of conduct guidelines published by the Inspector General. The Inspector General is empowered to set these guidelines by both the Constitution and the Police Service Act.¹²⁶ Acts – or failures to act – that are a breach of discipline are set out in the Police Service Instructions.¹²⁷ The Police Service Instructions divide misconduct into breaches committed by senior officers (Chief Inspectors and Inspectors) and other officers (officers junior to Inspectors).

The Police Service Instructions are very focused on internal conduct – there is not much scope for members of the public to use them to bolster an allegation against an officer. This means that the instructions are mainly used by more senior officers, to meter out punishment for misconduct to more junior officers. It is important to note that the Police Service Instructions do not apply to officers who are senior to Chief Inspectors – this is a legacy of the colonial roots of the instructions. This must be rectified to ensure that all police officers, regardless of rank, have a set of guiding behaviours to comply with.

Senior police officers – acts of misconduct under Police Service Instructions

The following acts or omissions are breaches of the conduct guidelines for Chief Inspectors and Inspectors:

1. Disobedience of a lawful order given by a more senior officer, whether verbally, in writing, by authorised signal or parade.
2. Oppressive or tyrannical behaviour towards a more junior officer.
3. Failure to attend to a reasonable request made by a member of the public.
4. Neglect of duty.
5. Lending money to, or borrowing money from, any other officer.
6. Accepting (directly or indirectly) any gratuity, present, subscription or testimonial without the knowledge of a more senior officer.

7. Divulging confidential information.
8. Communicating police matters to unauthorised people without permission from a more senior officer.
9. Absence without good cause.
10. Conduct, disorder or neglect in breach of good order and discipline (this general provision applies outside the breaches of conduct listed in the instructions).
11. Failure to comply with – or disobedience of – any policing regulation, service instruction or service order.

Junior police officers – acts of misconduct under Police Service Instructions

The following acts or omissions are breaches of the conduct guidelines for officers below the rank of Inspector:

1. Insubordination.
2. Disobedience of a lawful order given by a more senior officer, whether verbally, in writing, by authorised signal or parade.
3. Disrespect, in word, act or demeanour to his or her senior officer.
4. Use of abusive or insulting language towards, or quarrelling with, another officer.
5. Oppressive or tyrannical conduct towards more junior officers.
6. Forcing a sentry or sending a Constable to perform sentry illegally.
7. Pawning, selling or losing (wilfully or negligently) or failing to report damage to any of the clothing, arms or other things issued to him or her by the government, or in his charge.
8. Inattention, singing or misbehaviour during parade.
9. Lateness for duty or parade.
10. Being dirty or untidy on parade.
11. Drunkenness.
12. Drinking alcohol while on duty.
13. Entering an alcohol shop while on duty (except in the course of duty).
14. Removing an armband or duty badge while on duty – or trying to conceal or disguise a police number.
15. Smoking while on duty.
16. Failing to work a beat properly.
17. Idling, gossiping, sitting or lying down without cause or sleeping when on duty.
18. Failing to attend to any reasonable request made by a member of the public.
19. Leaving a beat, or place where he or she has been ordered, without permission or sufficient reason.

20. Leaving arrest or confinement before being allowed to by an authorised authority.
21. Unnecessary violence or mistreating a person in custody.
22. Negligently permitting a prisoner to escape.
23. Neglect of duty.
24. Failing to report the whereabouts of a missing offender (or failing to take action to bring the offender forward).
25. Neglecting to assist any person injured or ill in the streets.
26. Failing to make a necessary entry in an official document, book or paper (or making a false entry).
27. Prevarication before any court or inquiry.
28. Withholding or failing to promptly report a complaint against another officer by a member of the public.
29. Neglecting or refusing to assist in the apprehension of an officer charged with an offence.
30. Protecting a person in a manner not allowed by law.
31. Making, or helping to make, an anonymous complaint.
32. Making a frivolous or vexatious complaint.
33. Lending money to, or borrowing from, another officer.
34. Accepting (directly or indirectly) any gratuity, present, subscription or testimonial without the knowledge and permission of a senior officer.
35. Incurring debt with no reasonable prospect or intention of paying the debt (or making no reasonable effort to pay an incurred debt).
36. Divulging confidential information.
37. Conveying information regarding a warrant or summons to a person who is about to be issued with a warrant or summons.
38. Communicating police matters to unauthorised people without permission from a more senior officer.
39. Absence without good cause.
40. Malingering or feigning sickness without due cause (or concealing or failing to report a venereal or contagious disease).
41. Gambling (or permitting or failing to report gambling) in a police station or barracks.
42. Lack of civility to a member of the public.
43. Conduct, disorder or neglect in breach of good order and discipline (this general provision applies outside the breaches of conduct listed in the instructions).
44. Failure to comply with – or disobedience of – any policing regulation, service instruction or service order.

Criminal Procedure Code

The Criminal Procedure Code sets out guidelines on the use of force by police – sections 3 to 10 of the Code set out procedures for the use of force when arresting or preventing the escape of a suspect. These guidelines should be incorporated into the conduct provisions of the policing legislation for easy reference and access by members of the police organisation.

Police Service Act

The Police Service Act is a more democratic document than the Police Service Instructions; it does not discriminate between different ranks and sets out the same standards of conduct for all officers.

The Police Service Act also sets out the types of penalties that can be applied to police officers who engage in misconduct.¹²⁸ Penalties include dismissal (which includes forfeiting all retirement benefits), removal (a termination of employment without a reduction in retirement benefits), reduction in rank, deferment or stoppage of increment, imposition of a fine (not exceeding one-eighth of one month's salary), severe reprimand, caution or, in the case of Constables, confinement to barracks for two weeks or less.

The misconduct provisions in the Act are not adequate. While they detail individual acts of misconduct, they do not provide the kind of holistic guidance necessary to steer police officers' conduct and behaviour. This can be considered in terms of the use of force – a key issue in Ghana. The Act fails to set out when force may be used, and when use of force will constitute misconduct. A section should be included in the Act that demarcates when force may be used – the section should provide both the police and the public with a very clear and specific set of guidelines relating to the use of force.

Acts of misconduct – Police Service Act

Section 17 of the Police Service Act sets out the following conduct guidelines.

1. To be absent from duty without leave or reasonable excuse
2. To be insubordinate
3. To use, without lawful authority, any property or activities provided for policing work in a way not connected with official duties.
4. To engage in any activity outside official duties likely to lead to political controversy.
5. To engage in work outside the police without the consent of the Inspector General.
6. To join a trade union (or similar organisation) that is not authorised by the Minister.
7. To sleep on duty.
8. To drink alcohol on duty.
9. To permit a prisoner to escape (through negligence or wilfulness).
10. To divulge confidential information to an unauthorised person.
11. To do something (without reasonable excuse) that amounts to a failure to perform a duty properly imposed, which contravenes an Act related to the police service, or which is prejudicial to the efficient conduct of the police or brings the police into disrepute.

Police service regulations

The Police Service (Administration) Regulations further define the rules of conduct.¹²⁹ The regulations make a distinction between acts or omissions committed by any police officer, acts or omissions committed by senior officers and acts or omissions committed by subordinate officers. Senior officers are defined as “an officer not below the rank of Assistant Superintendent of Police.” Junior officers are defined as “a member of the police force other than a senior police officer.”¹³⁰

The use of firearms is regulated by Service Instruction 97 of the Police Service Instructions.

Disciplinary proceedings

Disciplinary proceedings are guided by the Police Service (Disciplinary Proceedings) Regulations. Proceedings are either summary or formal.¹³¹ Summary proceedings are defined in section 4(2) of the Regulations, which describes a simple procedure where the details and a brief record are set out in a Police Disciplinary Report Form. Evidence is not recorded in writing or taken on oath. Section 4(3) of the Regulations sets out the requirements for a formal proceeding – when the disciplinary authority considers that the charge carries a major penalty, where the disciplinary authority is the President or where either the Inspector General, the Central Disciplinary Board or a Regional Disciplinary Board considers that formal proceedings are desirable.

The Regulations set up a series of regional and central disciplinary boards. Particular individuals, including the President and the Inspector General of Police, also have disciplinary powers. The Inspector General is the final resort of appeal if a junior officer appeals against a disciplinary decision. Principally, the disciplinary process revolves around the regional and central boards.

At the top of the hierarchy is the Central Disciplinary Board. The Central Board is made up of three members – the Commissioner of Police (Administration) (or the most senior police officer in charge of administration at Police Headquarters) and two other senior officers at the police national headquarters (this means that they must be Assistant Commissioners or more senior). The board normally operates with a minimum of two members as its quorum. Currently, the Chair of the Central Board is the Deputy Inspector General (Administration).

Sitting below the Central Board are the Regional Disciplinary Boards, which are made up of the senior police officer who is in charge of the region and two other senior police officers appointed by the Inspector General. The Central Board can impose all penalties across all ranks, while Regional Boards can only impose minor penalties on junior officers (up to sergeant). The Regional Board is the junior board. It deals with minor offences, while more serious accusations or accusations against more senior officers are dealt with by the Central Board.

Senior officers are empowered to impose minor penalties (for example, stopping salary increases for one year or less severe penalties).

The discipline process begins with a complaint from either a police officer or from the Police Intelligence and Professional Standards Bureau (which investigates complaints from the public and is discussed later in this chapter).¹³² The relevant Board then mandates an officer to conduct an investigation. On the basis of this investigation the Board decides whether or not to charge the accused. If charges are not pressed then the Board must, in writing, explain their decision. If charges are pressed then a written charge is prepared, which includes the time, date, place and description of offence.

There are two kinds of proceedings – summary and formal. In a summary proceeding, the charge is not served on the defendant, but is read out at the hearing, which must take place as soon as possible. In formal proceedings, a copy of the charges must be served on the defendant at least three days ahead of the hearing. At the time of service, the defendant must be informed of his or her right to submit a letter setting out his or her response to the charge within three days. The defendant can request, in writing, an extension of time to submit their response, and the disciplining authority can grant the request if it considers it appropriate.¹³³

Officers subject to a disciplinary hearing are given the same rights as a defendant to a charge in the regular criminal courts. Regulation 9 sets out the rights of the defendant, which include a presumption of innocence, time for preparation of defence, appearing during the trial (unless otherwise agreed or if the defendant makes it impossible to run the trial with his or her presence), restrictions on laying charges regarding conduct that has already been the subject of charges (and where the defendant was acquitted of misconduct), the right to give evidence and to call, examine and cross-examine any witnesses.¹³⁴

In formal proceedings, and where the charge may lead to an officer's removal, dismissal or reduction in rank, the defendant can request to be represented by a lawyer or a senior officer (Inspector or above). The defendant can have representation in other formal proceedings if the disciplining authority agrees.

There is also an appeals procedure built into the disciplinary process. All decisions made by the Regional Boards are subject to review and approval by the Central Board. When a penalty is imposed on an officer below the rank of Inspector, the officer can appeal to the Inspector General. When a penalty is imposed on an officer of the rank of Inspector or above, the officer can appeal to the Police Council.

Internal police disciplinary hearings oust the jurisdiction of the courts, although there is a line of appeal to courts – officers subject to a decision they disagree with can apply for judicial review. Judicial review applies to decisions of both the central and regional disciplinary boards and also the Inspector General himself. More detail of this shift from an internal process to external oversight can be found in Chapter 7 of this report.

Easyrider – Misuse of a police motorbike leads to internal inquiry and judicial review

In this case, a police officer was charged with misconduct by a disciplinary board after he rode a police motorbike without due care, causing to damage to both the motorbike and a private car.¹³⁵ The board considered his actions an internal misconduct issue, rather than a road traffic offence. The officer appealed to the Inspector General, who confirmed the decision. The officer later appealed again to the formal court system, which allowed the appeal on the basis that the Inspector General had not been exposed to all the evidence and records available at the original hearing.¹³⁶ The court's decision can be found in *The Republic v IGP; Ex Parte Oblie* [1981] GLR 528.

Public complaints

As well as an internal investigation process, the Ghana police have sought internal accountability through various public complaint mechanisms.¹³⁷ These mechanisms led from the requirement in section 23(1) of the Police Service Act that states that “any member of the public shall be entitled... to make a complaint in writing... as to: (a) any instance of bribery, corruption, oppression or intimidation (b) any neglect or non-performance of duty or (c) other misconduct by a police officer.¹³⁸ Under the Act, complaints of bribery, corruption, oppression or intimidation were to be addressed to the senior police officer in the relevant district or unit (or the Inspector General of Police). Complaints of neglect, non-performance of duty or other misconduct were to be addressed to any senior police officer. After receiving a complaint, the officer is obliged by section 23(4) of the Act to cause a full and impartial investigation to be made into the complaint, send a report of his or her conclusions to the complainant and take such action as required.¹³⁹

Looking at the paper in practice – personal experience of disciplinary procedures

Paul Ayuyi is a retired officer who was subject to disciplinary proceedings during his time with the police. Mr Ayuyi stated that in practice, at the regional level disciplinary proceedings are settled by a one man board made up of the senior commander in the region. Mr Ayuyi advises that the senior commander submits his findings to the Regional Board, who endorses the decision and/or sends it on to the Central Board. Turning to appeals, Mr Ayuyi says that a junior officer appeal ends up with the Inspector General, while senior officers' cases are taken up by the Police Council – a process that is slow and ineffective, with hearings typically taking 3-4 hours and cases lasting for years.

Each of the different procedures and systems put in place to deal with public complaints are set out below, in chronological order.

Suggestion box – from the early 1970s

Suggestion boxes were first placed in police stations around Ghana in the early 1970s.¹⁴⁰ The box was used to collect public complaints and internal grievances, but in practice the box was used more by members of the police than by the public. Members of the police, particularly those in the junior ranks, used the suggestion box to report misgivings about the performance of their supervisors.¹⁴¹ The public had little access to the boxes and made very little use of them.¹⁴²

Public Complaints Unit – late 1970s to early 1980s

The Public Complaints Unit replaced the suggestion box system at the police headquarters in Accra in 1978. The Unit was mandated to receive public complaints, conduct investigations and meter out punishment for misconduct.

Special Police Command Unit – early 1980s to early 2000s

The Special Police Command Unit was inaugurated in the early 1980s as an internal audit unit. It replaced the Public Complaints Unit. An existing Inspection Unit continued alongside the Special Police Command Unit, but was restricted to carrying out inspections of police stations, barracks and offices and ensuring that police procedural rules governing entries into record books, general turnout, police conduct at the barracks and the use of police books and stationery were all complied with. The Unit was an internal watchdog tasked with dealing with police misconduct.

The Special Police Command Unit was an important step towards ensuring internal accountability. It undertook valuable accountability tasks, such as making unannounced visits to police stations or barracks to check levels of professionalism and general standards. However, the Unit was formed during the Provisional National Defence Council era, following a military coup.¹⁴³ The Unit was seen as political and officers tended to consider that its main role was to collect intelligence on officers. It was feared internally and seen as a bully. In addition, the Unit was not accessible to the public that it was supposed to serve.¹⁴⁴

Functions of the Special Police Command Unit

The Special Police Command Unit's functions included the following:¹⁴⁵

1. Investigate any complaint or report of professional impropriety against a member of the police.
2. Check instances of police misbehaviour in public, including drunkenness, smoking and untidiness.
3. Enquire into any complaint or report of unjustifiable exhibition of verbal violence, oppression or intimidation by a police officer.
4. Ensure that the police do not unlawfully detain or mistreat suspects.
5. Ascertain the truth of allegations against an officer regarding neglect or non-performance of his or her official duties.
6. Discourage any tendencies of bribery or corruption by officers and investigate any allegations of bribery or corruption made against officers.
7. Enquire into any complaint regarding the acceptance of money (or other consideration) by an officer before granting bail.
8. Check the tidiness and punctuality of police personnel.
9. Ascertain the veracity of any complaint of unauthorised motorcar checks or other road duties by police.
10. Investigate any report that an officer is illegitimately involved in land disputes.
11. Prevent officers from making or joining anonymous complaints or writing anonymous letters.
12. Ensure that no officer engages in gambling, and that gambling does not take place within police stations or barracks.
13. Investigate any other acts or omissions that amount to police misconduct in terms of the public-police relationship.
14. Undertake any other assignments as may be determined by the Inspector General of Police.

Monitoring and Inspection Unit – 2001 to 2005

The Monitoring and Inspection Unit was borne out of the recommendations of the Archer Report and the merger of the Special Police Command Unit and the Inspection Unit.¹⁴⁶ In 2003, the Unit recorded 207 complaints against the police. Unprofessional handling of cases attracted the highest number of complaints, at with 60 complaints for the year.¹⁴⁷ Excessive use of force was second, with 30 complaints, followed by extortion, with 25 cases. Other complaints dealt with undue delay of cases, misappropriation of exhibits and negligence.¹⁴⁸

The Monitoring and Inspection Unit was based in Accra, and was responsible for nationwide oversight. Despite attempts to travel extensively (in 2003 the Unit made 15 visits to police stations in the Accra region and 61 visits to stations outside the region) this limited the impact that it could have. The Unit was further restrained by a serious lack of resources – for example, the Unit was not equipped with computers, which delayed the finalisation of reports. These problems, coupled with low morale within the Unit and resistance to the Unit's work from within the rest of the police service, meant that the Unit was largely ineffective.

Functions of the Monitoring and Inspection Unit

The Monitoring and Inspection Unit's functions included the following:

1. Monitor police work, conducting random checks on stations, beats, offices, guards, road barriers and motor check points.
2. Stop conduct prejudicial to the efficient conduct of the service or which brings the service into disrepute.
3. Investigate public complaints.
4. Travel to regional areas to investigate incidents, occurrences, actions or reports referred to it (in the process, the Unit was empowered to inspect available records).
5. Inspect police armouries and ascertain the proper upkeep of arms and ammunition.
6. Inspect police building projects and barracks.
7. Follow up compliance with directions from police headquarters.
8. Liaise between the Neighbourhood Watch and Police Watchdog Committees.

Police Intelligence and Professional Standards Bureau 2005 - current

In May 2005, the Monitoring and Inspection Unit was replaced by the Police Intelligence and Professional Standards Bureau.¹⁴⁹ The Bureau has proved to be more active and engaged than its predecessor bodies.



Since it was put together, the Bureau has conducted a sensitisation programme to raise its profile within the police service and an education programme to raise its profile as a complaints unit within the community.¹⁵⁰ Between January and November 2005, the Bureau received 356 complaints against the police. Of the 356 complaints received, 80 were dealt with within the unit, 32 were referred out to a region, division, district or unit, 86 cases were reported and forwarded to the Inspector General, and 158 remained under investigation. Delay of investigation was the highest complained about misconduct (79 cases), followed by unprofessional handling of cases (67 cases) and a general complaint of misconduct (64 cases). Other cases included misappropriation of exhibits (20 cases), extortion (9 cases), brutality (33 cases), illegitimate involvement in civil cases (15 cases) and withholding of exhibits (20 cases). The Accra area received by far the highest number of complaints (the Ashanti region was the next highest, with 13 cases, down to 0 cases registered in the Northern and Upper West region).¹⁵¹

The Bureau has had to deal with a much higher volume of cases than its predecessors (this is partly to do with its higher profile in the community).¹⁵² However, logistics, human resources and finances have all conspired to limit its impact and effectiveness. The Bureau has also faced resistance from within police ranks, particularly in regional areas, where Bureau staff are considered to be witch hunters.¹⁵³

Insider's view – Police Intelligence and Professional Standards Bureau

According to Assistant Superintendent Cephas Arthur of the police Public Affairs Directorate, the Bureau is taken very seriously within the police service. Assistant Superintendent Arthur advises that during the first quarter of 2007, 39 officers were dismissed on the basis of complaints made by the public, with many complaints still pending.

Functions of the Police Intelligence and Professional Standards Bureau

The Police Intelligence and Professional Standards Bureau's functions include the following:

1. Collate and co-ordinate the gathering of information and intelligence on crimes and criminals and prepare statistical data on prevailing crime trends.
2. Develop, in collaboration with the Criminal Investigation Department, police headquarters and regional and unit commanders a criminal intelligence apparatus for the police service.
3. Coordinate police training programmes in criminal intelligence in collaboration with the Criminal Investigation Department.
4. Monitor compliance with international police professional standards, human rights and the enforcement of democratic policing principles.
5. Conduct regular inspections of police stations, equipment, records, documents and other facilities in accordance with the guidelines provided in the relevant Service Instructions.
6. Investigate public complaints, instances of malfeasance and any other acts or omissions by police officers.
7. Conduct refresher courses for police officers in areas of identified knowledge or skills deficiencies in cooperation with the Schedule Officer for Training.
8. Investigate complaints referred by the Inspector General of Police or members of the Headquarters Management Advisory Board on matters of police corruption, misconduct or other offences (criminal and civil).
9. Act as an internal affairs unit for the service.
10. Undertake other assignments as determined by the Inspector General of Police.

“

The major independent oversight bodies in Ghana are the Police Council, a constitutional body mandated with an advisory role to the President on policing, Regional Police Councils, which support the work of the Police Council and the Commission for Human Rights and Administrative Justice – Ghana’s all-rounder human rights institution.”

CHAPTER 7



External accountability mechanisms

External accountability mechanisms are the systems, processes and means by which the police, as individuals and as an institution, can be made responsible for their actions. The mechanisms operate outside the police and complement internal procedures. External accountability mechanisms must be strong, independent and credible.

External accountability mechanisms are the systems, processes and means by which the police, as individuals and as an institution, can be made responsible for their actions. The mechanisms operate outside the police and complement internal procedures. External accountability mechanisms must be strong, independent and credible. For example, a civil society group can gather evidence and information to prove criminal or unethical behaviour, but without an independent and sympathetic media it is unlikely to be able to raise awareness in the general population. Furthermore, prosecution services must be strong and teamed with an independent and honest judiciary. In Ghana, police oversight is the domain of a whole raft of independent oversight bodies, including the Police Council, Regional Police Committees, the Commission for Human Rights and Administrative Justice, the executive (via two Ministries – the Interior Ministry and the Ministry of National Security and the Attorney General’s Department), parliament (particularly the Parliamentary Select Committee on Defence and the Interior), the judiciary, committees of inquiry, civil society and the media. Unfortunately, in the Ghanaian context, external oversight has failed to fulfil its promise.

Independent oversight bodies

The major independent oversight bodies in Ghana are the Police Council, a constitutional body mandated with an advisory role to the President on policing, Regional Police Councils, which support the work of the Police Council and the Commission for Human Rights and Administrative Justice – Ghana’s all-rounder human rights institution.

Police Council

The Police Council has the potential to be a key oversight mechanism for the police in Ghana. The Council is a constitutional body, mandated by section 203 of the Ghanaian Constitution to “advise the President on matters of policy relating to internal security, including the role of the Police Service, budgeting and finance, administration and the promotion of officers above the rank of Assistance Commissioner of Police.”¹⁵⁴ It is one of three advisory bodies created by the Constitution to oversee the security sector – another body looks at the prison system and the third watches over the armed forces. Internationally, oversight bodies tend to play one, or a combination of three roles – dealing with complaints, review and input into policy or setting and monitoring organisational priorities. The Police Council’s role is primarily focused on policy, with a particular focus on recruitment issues.

The Council’s responsibilities are clarified under section 10(6) of the Police Service Act. Under the Act, the Council is to advise on the appointment of officers, hear appeals from internal disciplinary hearings, examine and advise on welfare and discipline, recruitment and training, police/public relations, the use of the Police Welfare Fund (a fund set up under the Act to provide money for gratuities for junior officers, for officer-related payments that cannot be covered by general funds, and for compensation to the families of deceased officers), the prevent and detect of crime, public order matters, the safety of people and property and advise the President on making regulations.

The Constitution also empowers the Council to make regulations on a range of specific issues, including the control and administration of the service, ranks (and the power and authority that comes with each rank), conditions of service and the delegation of power.¹⁵⁵ The Council has never made use of this power. The President can delegate his powers to the Police Council (or an individual member of the Council) under section 202(4) of the Constitution.

The Police Council has a long and rocky history, stretching back to a recommendation in the 1951 Young Report (see chapter 8 for more information on the Young Report and its recommendations). The first iteration of the Police Council was set up in interim form in 1953. It was permanently established by the 1969 Constitution and further mandated by the 1970 Police Service Act. The Council was disbanded during 1972 and 1979, when Ghana

Article 201 of the Constitution sets out the membership of the Police Council. The Council is made up of the following members:¹⁵⁶

- A Chairman appointed by the President acting in consultation with the Council of State;
- The Minister responsible for internal affairs;
- The Inspector General of Police;
- The Attorney General or his representative;
- A lawyer nominated by the Ghana Bar Association;
- A representative of the Retired Senior Police Officers Association;
- Two members of the Ghana Police Service, appointed by the President acting in consultation with the Council of State one of whom shall be of a junior rank; and
- Two other members appointed by the President.

was under military rule, but was resuscitated by the 1979 Constitution. The Council again went into hiatus during military rule between 1981 and 1992, and was revived by a new Constitution in 1992, largely in its current form.¹⁵⁷ Over the course of its history, the Council has generally been considered ineffective. Of particular concern was a period between the reappointment of Kufuor as President in 2005 and March 2006, when the Police Council was not even constituted. This caused major problems for the police service in terms of pending promotions and authorisation of the movements of senior officers, as well as meaning that there was no police-specific independent agency in place in Ghana.

Members of the current Council were appointed on 10 March 2006, following considerable pressure from the Commonwealth Human Rights Initiative Ghana Office for President Kufuor to comply with the requirements of the Constitution and put the body together. The Chairman of the Council is Justice Scott Glenn Baddoo, a retired Justice of the Supreme Court and a former prosecutor.¹⁵⁸

The Act sets the quorum for the Police Council at five members.¹⁵⁹ The Act also provides for a Secretary to the Council (who is a public officer, but not a member of the Council).¹⁶⁰ The Police Council currently has its Secretariat at the Ghana Police Headquarters in Accra. The Act grants Council members immunity from legal proceedings when they are exercising their powers under the Act. The Council has powers to subpoena any public officer to appear before it and to provide any documents that the Council requires.¹⁶¹ If a public officer fails to comply with a request from the Council, they may be held guilty of misconduct.¹⁶² The Council holds monthly meetings. The Council's discussions are considered to be a matter of national security and so are not made available to the public.

The Council's potential as an external oversight mechanism has never been harnessed. The weaknesses that have hampered the Council's work are set out below.

Membership

The Inspector General of Police's position as member of the Council is problematic as it means that the Council is not independent of the senior police hierarchy – and for an oversight body to be effective, it must be independent of the institution it is watching over. It also means that the Council is extremely unlikely to sanction the Inspector General for misconduct. As well as limiting independence, the Inspector General's inclusion also limits the ability of junior officers on the Council to become an effective voice for their peers.¹⁶³

It is also problematic that the Council's membership is heavily swayed towards presidential appointments. To be effective, the Council needs a truly independent membership.

A further issue related to the Council's membership is the lack of stability in its leadership. The Chairpersonship of the Council has varied with each new Constitution – in 1969 the Chair was a member of the Public Services Commission, while between 1972 and 1978 it was the Inspector General of Police. From 1979, the Vice President took over the role, and in 1992 the Chairpersonship shifted to presidential appointment (this change occurred by constitutional amendment and came in the wake of bitter differences between the then President, Jerry John Rawlings and the Vice President, the late Kow Nkensen Arkaah).¹⁶⁴

Between 2000 and 2004, the Police Council did not often meet as the Chair, Mr J. B. Da Rocha, was seriously ill. The President did not make any effort to appoint a Chair who had the capacity to convene and lead the Council and so the Council's work was gravely compromised.¹⁶⁵

Budget and resource constraints

The Council is not adequately funded, and lacks the resources necessary to fulfil its functions.¹⁶⁶

Political will

A lack of political will has also restricted the Police Council's operation. An obvious example is the length of time that it took to reappoint the Council following the end of the last Presidential term (as discussed above). Another example is the lack of Presidential action when the Council stopped meeting because of the Chair's illness.

Historically, the various iterations of the Police Council have also been rendered ineffective because of the political context in which they existed.¹⁶⁷ Between independence in 1957 and the reinstatement of permanent constitutional democracy in 1993, Ghana experienced four unconstitutional regimes that interfered with the smooth functioning of constitutional bodies, including the Police Council, as the various regimes undermined the constitutional underpinning of Ghana and the Council.¹⁶⁸

Inadequate legal framework

The composition and functions of the Police Council are set out in the Police Service Act, which was drafted in 1970, and was based on the 1969 Constitution. This Constitution was very quickly abrogated. The 1970 police legislation has not been updated to reflect constitutional change and so there are a number of inconsistencies between the Act and the Constitution.¹⁶⁹ For example, under the Constitution, the Chair of the Police Council is appointed by the President, in consultation with the Council of State, while the Police Service Act states that a member of the Public Service Commission is the Chair (under the original 1992 Constitution, the Chair was the Vice-President, but this was amended to allow the President to appoint the Chair in 1996).

Regional Police Committees

The Police Council is, in theory, supported by a network of Regional Police Committees. Each Regional Police Committee is mandated to advise the Police Council on issues of policing importance in its region. In August 2006, the Inspector General of Police and the Chair of the Police Council attended the inauguration of a Regional Police Committee in the Volta region and commented on the roles of the Regional Police Committees. The Police Council Chair said, "the Committee should look into the issue of accommodation, transportation, discipline and police-public relations and advise the Police Council accordingly."¹⁷⁰ The Inspector General followed with the comment that, "the police administration would look up to the Regional Police Committees as channels for the dissemination of policies and programmes of the Police Council; collecting and collating

ideas, suggestions and recommendations on how the police should function more effectively in the regions and also to monitor the conduct and performance of the police as a corporate body and as individuals.”¹⁷¹

Each Regional Police Committee is made up of the relevant Minister of State (who is Chair), the two most senior police officers in the region and a representative of the Attorney General, the regional House of Chiefs and a local practising lawyer.¹⁷²

The Regional Police Committees have the potential to be key oversight mechanisms at the local level, passing critical information regarding police conduct to the Police Council. However, there is no information in the public domain regarding the effectiveness of the Committees.

Commission for Human Rights and Administrative Justice

The Commission for Human Rights and Administrative Justice is a constitutional body mandated with protecting human rights and addressing issues of administrative justice.¹⁷³ It is empowered to investigate complaints of breaches of fundamental rights and freedoms, injustice, corruption, abuse of power or unfair treatment of a person by a public official doing his or her job. The Commission can also investigate administrative complaints about the functioning of administrative organs of state (including the police). The Commission has the power to call for a human rights violation or administrative injustice to be remedied through negotiation between the parties, reporting to the offender’s senior officer, bringing court proceedings to stop the offending action or bringing a court case to stop a law that illegitimately justifies misconduct (or is beyond its power) from being enforced.¹⁷⁴

The Commission was established in 1993. Since then it has received, investigated and acted on thousands of cases alleging violations of human rights and administrative justice.¹⁷⁵ The Commission is the major independent body that deals with complaints against the police; between 1995 and 1998 it received 1000 police-related complaints from the public.¹⁷⁶ Most of these complaints relate to unlawful arrest and detention.

The Commission also performs a number of more specific functions. It receives complaints from police officers aggrieved by their treatment at the hands of senior officers. It investigates prison conditions and publishes its findings – it has consistently found that the police breach the constitutional requirements that a detained person must be taken before a court within 48 hours and has also consistently reported that conditions in prisons across Ghana are appalling.¹⁷⁷ It is given the power to investigate the recruitment process to the police, and ensure that it is fair.¹⁷⁸ It is mandated to look into all allegations or suspicions of corruption or misappropriation of public money by officials.¹⁷⁹ It has a rights education role, and has put together human rights education programmes for police officers.¹⁸⁰

The Commission’s powers are generally recommendatory. For example, where the Commission finds that a police officer has engaged in misconduct, it can only make a recommendation to the Inspector General that the officer be dismissed. It must then rely on the Inspector General to consider the recommendation.¹⁸¹ The Commission can also find that its investigations into allegations of misconduct are hampered by non-cooperative police officers.¹⁸² The Inspector General’s office has said that the Commission is one of the less effective oversight mechanisms, while the Inspector General has criticised the Commission on the basis that it is not “firmly on the ground to ensure effective monitoring.”¹⁸³ In terms of policing oversight, the Commission’s impact is limited by the wide variety of other work that it is also tasked to undertake; this is a problem both in terms of resources and in developing police-related expertise within the Commission.

Freedom of religion or just too much noise?

*Alhasuna Muslim Faith v Regional Police Commander, Bolgatanga*¹⁸⁴

In this case, the Bolgatanga branch of a Muslim group, Alhasuna Muslim Faith, claimed that the local police, who had prevented them from using loudspeakers during worship, had violated their fundamental right to freedom of religion and worship. The police had responded that the use of loudspeakers was disturbing other people in the community. The group claimed that the police were being used by a rival Muslim group to sabotage their observances and that other concerts, rallies and dances were often organised in the area. The Commission decided for the police, finding that the group's right to freedom of religion and worship did not give them a right to infringe on other people's right to be free from excessive noise.¹⁸⁵

Commission investigation results in release from detention

In a case reported in the Commission's 1998 annual report, a person lodged a complaint with the Commission, asking for his brother-in-law to be released from detention. He claimed that his brother-in-law had been arrested by a group of boys after a woman had complained that he had stolen a bag of rice from her. He said that his brother-in-law had been detained and that, despite several attempts on his part, had not been granted bail. The Commission began to investigate, and the complainant was notified that his brother-in-law had been released on the instructions of the station's Police Commander.¹⁸⁶

Guilty of honest conduct

Police officers also use the Commission to seek redress. The Commission's 1993-1994 annual report provides an example, when two senior police officers complained to the Commission that they had both been dismissed, separately, but in similar circumstances. In both cases, the officers had been leading a team of other officers to investigate a claim of drivers being subject to police extortion at different police road barriers. Charges were then drawn up against the officers for failing to account for money – but the petitioners were acquitted during committee of inquiry hearing. The officers were then dismissed (the dismissal was confirmed by the Inspector General of Police). The Commission brought the case to the Inspector General's attention and recommended the officer's reinstatement.¹⁸⁷ No information is available on the final outcome.

Executive

Two Ministries – the Interior Ministry and the newer Ministry of National Security – have potential police oversight roles, as well as the Attorney General's department.

Ministry of Interior

The Ministry of Interior is charged with maintaining Ghana's internal security. The government website describes the Ministry's role as "reviewing, formulating, implementing and evaluating policies related to the protection of life and property... [and] prevention and detection of

crime...¹⁸⁸ The Ministry's role overseeing the police has, in practice, been as an agency appointing high-level Committees of Inquiry into deaths resulting from police conduct and the relationship between the police and drug dealers.¹⁸⁹

For example, in September 2006, the Interior Minister appointed a panel of judges to investigate links between senior police and drug dealers, following the disappearance of more than two tonnes of seized cocaine from police custody.¹⁹⁰ The panel submitted a report on the incident, which led to the suspension of the Director General of Police Operations and charges of extortion being levelled at five junior officers. The panel heard that the Director General had entertained suspected drug dealers at his home, although he responded that his senior officers were aware and that he was working undercover.¹⁹¹

The Interior Ministry is one of the few external accountability mechanisms that appears to be doing its job – and succeeding in bringing about positive change within police ranks.

Ministry of National Security

In May 2006, a new Ministry of National Security was created to coordinate the activities of the bodies that relate to Ghana's national security.¹⁹² The Ministry is more focused on Ghana's intelligence and security agencies than the police, but also has the potential to play an oversight role over police agencies. It has the power to investigate allegations of police misconduct, of its own volition or following a public complaint. The Ministry has been involved in investigating the alleged role of high-ranking police officers in drug offences.¹⁹³

Attorney General

The Attorney General's department has a key role in police accountability, as it is responsible for deciding whether to pursue a prosecution (based on police information) for a senior offence and provides the police with the power to prosecute minor offences itself.¹⁹⁴ The Attorney General's department ensures that the police are not able to prosecute for inappropriate reasons, and ensures that criminal charges framed against a police officer for misconduct are prosecuted.

Parliament

International good practice supports an independent role for the parliament in keeping the police under scrutiny. Parliament has the power to question police wrongdoing, to correct systemic faults by passing new laws, to seek accounts of police performance, and to keep policing under constant review. Members of Parliament have many routine opportunities for police oversight through question time and by examining policing issues through the parliamentary committee system.

Question time

Questions in Parliament on policing issues have focused on resource and funding. In 2006, each of the Minister of the Interior, the Attorney General and the Minister for Justice responded to policing questions (the Minister of the Interior 14 times and the Attorney General and Minister for Justice once, in a joint response). Questions are focused heavily on resourcing. For example, on 25 January 2006, the Minister of Interior was asked when renovation work regarding a particular police station would be completed, allowing the police station to operate. Other questions in a similar vein followed, dealing with when other police buildings would be completed. The focus on resourcing, rather than police operations, means that the potential for question time to act as an accountability mechanism in Ghana is largely untapped.

Direct question provokes laughter in Parliament

Over the whole of 2006, there was only one question asked that directly scrutinised police actions. On 4 July 2006, Mr Hodgbeys asked the Minister for Justice and Attorney General the following question. “Mr Speaker my question is, if somebody is arrested on a Friday and he is not granted bail, and there is no court to grant him bail and he stays in the cells till Monday – and mostly the courts sit on a Tuesday – is that not a violation of his human rights and the Constitution?”

The question was greeted with laughter by the Members and the Speaker asked Mr Hodgbeys if he had another question.

Parliamentary Select Committee on Defence and Interior

The Parliamentary Select Committee on Defence and Interior is a group of 18 Members of Parliament mandated to “examine all questions relating to defence and internal affairs.”¹⁹⁵ The Committee has the powers given to all parliamentary select committees; this means that it can investigate and inquire into the activities and administration of ministries, departments, public organisations and corporations as Parliament determines. It has the powers of a High Court in terms of requiring witness attendance, compelling the production of documents and the issuing of commissions to examine overseas witnesses.¹⁹⁶

The Committee claims to exercise oversight responsibilities over the police in a number of ways.¹⁹⁷ Committee members responding to a question probing their understanding of their role said that the Committee calls for investigations into malpractice within the police, summons the Inspector General before the Committee to answer questions regarding malpractice or corruption allegations, brings the Inspector General before the Privileges Committee, reviews the annual report that the police organisation is required to submit to Parliament and promotes public education on police accountability.¹⁹⁸

In practice, the Committee is ineffective and disengaged from its police accountability role. For example, the Committee reviewed the annual police report for the first time in 2006 – in previous years, the police service had simply failed to submit the report to Parliament, and the Committee had failed to require its submission. The Committee accepted the failure of the police to comply with its constitutional reporting obligations on the basis that democracy had long been absent in Ghana.¹⁹⁹ The Committee’s failure to push for the reappointment of the Police Council in 2005 and 2006 also illustrates its lack of engagement with its oversight role.

The Committee has not been playing a complaints investigation role either. The Committee has not received or considered any complaints or reports of police misconduct, despite the high incidence of misconduct in Ghana. The Committee has not made its potential role as complaint investigator public and, despite recognising that it must do more to raise public awareness of rights when dealing with the police, has no plans in place to do this.²⁰⁰

Even if the Committee took a more active interest in performing its external oversight role, it would be faced with a number of challenges. Ghana’s executive wields considerable influence over its Parliament and so parliamentary oversight is weakened in the face of executive pressure.²⁰¹ Second, most information in Ghana is still considered to be a state secret, and as a result would not be available for the Committee to consider. Third, even where information is not classified, the Committee relies on the police organisation to provide it.

Where police officers are attempting to cover up misconduct, they are unlikely to provide the evidence of the misconduct to an oversight body that has little capacity for direct investigation.²⁰²

Judiciary

The judiciary forms one of the key components of any criminal justice system. Its role, especially in adversarial legal systems like Ghana, is to ensure that everyone brought before it has a fair and public hearing by a competent, impartial and independent tribunal. The judiciary has a police accountability function, hearing cases of police misconduct and settling civilian suits related to the police. The Chief Justice of the Supreme Court is appointed by the President, acting in consultation with the Council of State and the approval of Parliament – other Supreme Court judges are appointed by the President acting on the advice of the Judicial Council (in consultation with the Council of State and with Parliament’s approval), while other judges are appointed by the President acting on the advice of the Judicial Council (no with consultation or approval).

Unfortunately, in Ghana the judiciary has been subject to allegations that question its effectiveness and partiality. Of particular concern is bribery and corruption within the ranks of the judiciary, sometimes involving the police. Examples of police-judicial collusion has included falsification of evidence, the refusal to grant bail and indefinite or frequent adjournment of cases.²⁰³

Critically, the court system also hears appeals from internal police investigations, which adds an important layer of external oversight and accountability to internal decisions. For example, in the case *Republic v IGP*,²⁰⁴ an officer was reduced in rank after an internal inquiry found that he had engaged in misconduct and referred the imposition of a penalty to the Inspector General of Police. The Inspector General wrote a review of the decision and reduced the officer’s rank. The officer applied to the Court to revoke the decision, which the Court did, on the basis that the Inspector General had acted beyond his power and should have either given a minor penalty or, if the penalty was major, conduct a formal hearing.²⁰⁵

Committees of Inquiry

The Constitution empowers the President to appoint a Committee of Inquiry to look at matters of public interest.²⁰⁶ The Constitution also empowers the Council of State to recommend that a Committee of Inquiry be set up, while Parliament can, by resolution, request that a Committee of Inquiry be put together. A Committee of Inquiry, or Commission, is given the powers of the High Court (or a High Court Judge) and so is able to enforce the attendance of witnesses, examine those witnesses and compel the production of documents. Generally, a Committee is provided with specific terms of reference and a time frame in which to provide a report, which includes recommendations, to the President. After the President receives a report, he or she has six months to prepare a government response to the Committee and publish the report, with the government response. Where the President declines to make a report public, he or she must release a statement setting out the reasons for confidentiality. If a Committee makes a finding against a person, the report is considered to be a judgment of the High Court (this means that the person can appeal to the Court of Appeal).

A variation on Committees of Inquiry are commissions instituted as fact finding bodies to investigate specific events and to make recommendations.²⁰⁷ These commissions do not have the same powers as a Committee of Inquiry. A recent example of these fact finding bodies is a committee looking into the loss of cocaine in police custody and the role of senior police officers (that recommended the prosecution of a senior officer in its findings) and a 2004 committee looking into police shootings in Accra in 2004.

Committees of Inquiry are a valuable oversight tool, but in practice there have been a number of shortcomings. These shortcomings include a delay in the publication of the Committee's report (and the associated government response), the government response to the recommendations (which highlights a lack of political will to engage in reform or change) and a delay in implementation of the recommendations – or no implementation of the reforms at all. The findings of each committee are highlighted in chapter 8.

The following Committees of Inquiry have looked at issues involving the police:

- The Young Commission (1951)
- The Boye Committee (1971)
- Committee of Inquiry into Recent Disturbances in the Ghana Police Force (1979)
- Commission of Inquiry into Promotions within the Police Force (1986)
- Report of the Chief Constable of Norfolk Constabulary on the Assessment of the Police Service (the Ryan Report, 1992)
- Presidential Commission into the Ghana Police Service (the Archer Commission, 1996)
- Presidential Commission into the Ghana Police Service (1999)
- Presidential Committee of Inquiry into the Accra Stadium Disaster (the Okudzeto Commission, 2001)

Civil society

Civil society plays a key role in strengthening police accountability by raising community awareness, promoting debate on important issues, monitoring the performance of government institutions, exposing misconduct, demanding public participation, transparency and accountability and championing reforms.

Civil society organisations

Activities of civil society groups related to the police are broadly of two types. The first is the groups that deal with violations of human rights committed by police officers. The second is those concerned with systemic reforms in the working of the police organisation.

An example of a civil society group working at the level of police violations in Ghana is the Legal Resources Centre, which has run a legal aid clinic for people in need and victims of gross human rights violations. About half of the cases reported to the clinic relate to police misconduct, mostly unlawful arrest and detention.²⁰⁸ In 2003, the Legal Resources Centre embarked on a prisoner's rights programme, which revealed that police often arrest, charge and detain suspects, and then leave them to "rot in jail."²⁰⁹

There are a number of groups within Ghana looking at systemic reform of the police. Key civil society groups include the Commonwealth Human Rights Initiative, Africa Security Dialogue and Research, the Centre for Democratic Development, the Legal Resource Center and the Media Foundation for West Africa.²¹⁰ An example of civil society comment on issues in Ghana that included recommendations on police reform are the 2007 reports on the state of governance in Ghana, produced by AFRIMAP as complements to the African Peer Review Mechanism process.

West African Police Reform Network

An example of a network of regional civil society organisations working on systemic police reforms is the West African Police Reform Network.

The Network seeks to:

- Promote information sharing
- Develop expertise in police reform
- Undertake exchange programmes
- Advance best practice
- Undertake research initiatives
- Organise seminars on police reform in various countries
- Collect and make available information on policing in countries in the region
- Establish national structures/working groups to engage governments on reform initiatives

The Network is affiliated to the African Policing Civilian Oversight Forum (APCOF), a continental body of policing oversight practitioners drawn from state civil society and academia promoting police reform and civilian oversight across Africa.

Civil society watching police suspects

The Center for Public Interest Law is running a project that looks at the needs of suspects waiting for trial, the Remand Prisoners and Suspected Criminals Access to Justice project.²¹¹ The basis of the programme is the Constitutional provisions regarding arrest and detention – the project has found that these requirements are largely ignored. Suspects are often detained for more than 48 hours before they are brought before a court – in some cases, officers intentionally subvert this rule by arresting suspects on Friday night and keeping them in detention over the weekend.²¹²

Neighbourhood Watch

Neighbourhood Watch systems exist in different parts of Ghana, although mainly in urban areas, and are an example of direct community involvement with the police. Neighbourhood Watch programmes have lots of positive benefits in terms of bringing the community and police together and ensuring that the police are community focused, but also come with their own problems.²¹³ Neighbourhood Watch groups can, if not properly formed and developed, pose a security risk – in 2003 police clashed with a Neighbourhood Watch group in a suburb of Accra, resulting in fatalities.²¹⁴

Media

The media can play an important police watchdog role, revealing unlawful activity, getting information into the public domain, making comments and creating public awareness. The media is also a vital part of any police reform effort. Strategic media coverage of police abuses can be a way to put pressure on the Government to reform the police, to create oversight mechanisms, or to prosecute errant officers. The visual drama and human interest stories associated with the police and their activities sell papers and find an abundance of space in print and television.

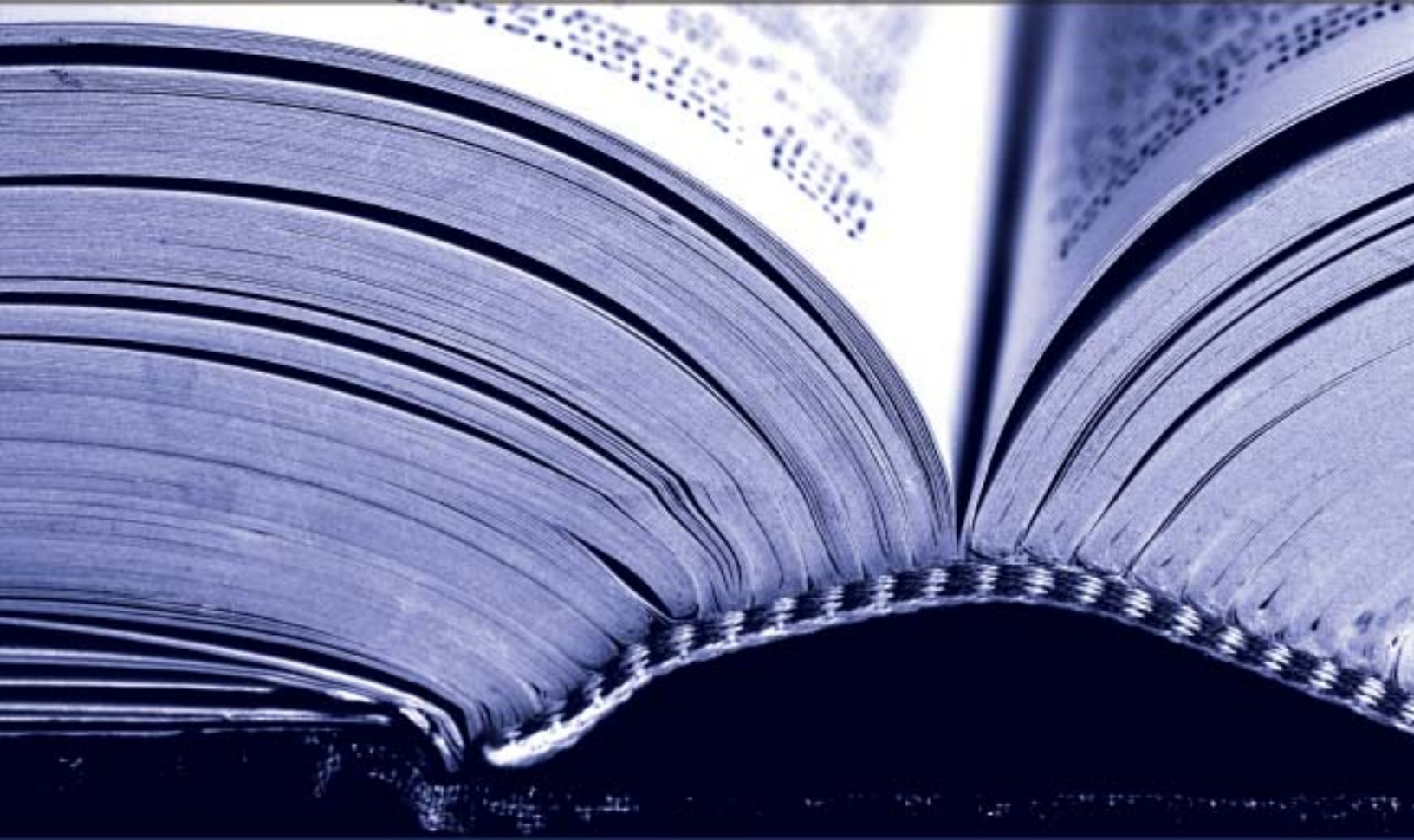
Ghana's media continues to expand its police watchdog role, as both the quantity of reporting of policing issues and police misconduct, as well as the quality of analysis of the relevant issues, increases. The major daily newspapers often highlight examples of police misconduct and do not shy from hard-hitting reports looking at the flaws within the police and political organisations. Popular radio stations have, in recent times, run public awareness campaigns on police misconduct issues, and actively engaged with the police in an effort to elicit responses for the public.

The media is at risk, however. The right to free expression has been enshrined in the Constitution,²¹⁵ but the press are often hindered by fines for defamation, arrest and detention, property damage and censorship.²¹⁶ In some cases the police attempt to assist journalists – in one 2005 case, police attempted to protect a journalist from being attacked during a march protesting fuel prices in Accra – but they also have been reported to harass journalists – in another 2005 case, police damaged cameras and tape recorders of journalists attempting to take photographs of a building that had been recently acquired by the President's son and had been a subject of controversy.²¹⁷

Other

The Inspector General's office also considers foreign diplomatic missions as external oversight mechanisms on the basis that the service is held accountable by human rights reports circulated by other national governments.²¹⁸ For example, the US State Department's annual country reports are available online.

CHAPTER 8



Debates on police reform in Ghana

Debate around police reform is nothing new in Ghana. The need for change and reform has been recognised since 1951 and a number of Government sponsored commissions have sat and produced reports on the ways that policing should change in Ghana. Unfortunately, these reports have for the most part gathered dust on the government's shelves.

Debate around police reform is nothing new in Ghana. The need for change and reform has been recognised since 1951 and a number of Government sponsored commissions have sat and produced reports on the ways that policing should change in Ghana. Unfortunately, these reports have for the most part gathered dust on the government's shelves.

Young Report – 1951

The first committee on policing in Ghana took place in 1951, after the Governor of Ghana appointed a British Police Commissioner, A.Y. Young, to lead a committee to examine the police and make recommendations regarding its organisational structure, training mechanisms and methods for effective policing in Ghana.²¹⁹ The committee produced a report, known as the Young Report, which included three crucial recommendations – it defined a police officer, recommended the establishment of a Police Council as an oversight body and pushed for the operational and administrative decentralisation of the police.²²⁰ Each of these key recommendations are discussed in more detail below.

Definition of police officer

The Young Report recommended that a police officer be defined as “a citizen serving the office of a constable thereby having certain powers and liable to certain responsibilities. He serves the sovereign and is a servant of the state exercising original authority.” This definition of a police officer has been seen as an effort to establish a police organisation independent of politics and immunised against illegitimate political interference. Unfortunately, political developments in the then colony rendered this important recommendation redundant.²²¹

Police Council

The report also recommended that a Police Council be put in place, foreshadowing the eventual establishment of the Committee in a permanent form nineteen years later in the 1969 constitution.²²² In 1953, an interim Police Council was put in place.²²³

Decentralisation

The third key recommendation of the report was the operational and administrative decentralisation of the police. The report set out a unitary decentralised structure that allowed the regions to exercise some measure of responsibility and ensure effective policing. This recommendation was rejected by the Government – although no reasons were given, it is likely that given the developing political consciousness and nationalist movement, the Government prioritised its own security and so retained a heavily centralised police.²²⁴

Boye Committee – 1971

In 1971, the Government mandated a committee to “survey the Ghana Police Service and advise on its structure, how effective the organisation was as well as the modernisation of its equipment, particularly for crowd control.”²²⁵ The Boye Committee submitted a report in late 1971 that contained a number of recommendations. Key recommendations included overhauling the police organisation structure, equating police and military pay and the reduction in arms training component of police education – this was a significant signal that the police should be civilianised, rather than further militarised. Unfortunately, the Boye Report was never implemented – it became a victim of the political turmoil that engulfed Ghana and the overthrow of the government in early 1972.

Commission of Inquiry into Promotions within the Police Force (Tibiru Committee) – 1986

During the late 1970s, corruption and administrative malpractice within the Ghana police became public knowledge and the subject of scandal.²²⁶ The government responded by appointing a committee under a retired Commissioner, J.E. Tibiru, to investigate police practices, known as the Committee of Inquiry into Recent Disturbances in the Ghana Police Force, or the Tibiru Committee.²²⁷ The Committee found that the Inspector General had removed the names of successful candidates in an officer's examination and replaced them with unsuccessful candidates and that there had been extremely suspect practices regarding promotions. The Government accepted a number of the findings, nullifying the promotions of 15 members of staff whose names had been fraudulently inserted into an approved list (and stripping those staff of their ranks) and cancelling the promotion of 14 officers into different ranks.²²⁸

Ryan Report – 1992

The Ryan Report emerged from an assessment of the Ghana police by the Chief Constable of the Norfolk Constabulary. The report was revisited by the Archer Commission in 1996.

Presidential Commission into the Ghana Police Service (Archer Commission) – 1996

The Archer Commission is one of the most far-reaching commissions on policing in Ghana. The Government appointed the Commission in February 1996, under retired Chief Justice Archer, and mandated it to review the structure and operations of the service and determine its response to the law enforcement needs of the nation, while considering the 1992 Ryan Report and making recommendations.²²⁹ The Archer Commission submitted its report in March 1997. It took the Government two years to respond with a white paper – and this is indicative of the delay and lack of enthusiasm that has prevented the Archer Commission's recommendations from becoming part of the policing structure.²³⁰

Findings and recommendations of the Archer Commission

- **The police organisations continued to outsource building projects at high cost, despite having the internal skills to complete the projects.**
- **There were flagrant violations of regulations governing armouries and the issuing of arms and ammunitions.**
- **Regulations regarding the use and maintenance of police vehicles were regularly disregarded.**
- **Police salaries should not be anchored to the salaries paid to occupations with fixed-hours.**
- **Expenditure levels fixed by the Finance Ministry did not meet the needs, programmes and activities designed to achieve the goals of the police.**
- **Crowd control methods needed to be modernised, with the use of smoke bombs and water cannons instead of truncheons and guns.**

The Ryan report recommendations were generally approved, except for the recommendation that British expatriate officers be provided to Ghana to assist with the reform process.

Okudzeto Commission – 2001

In May 2001, the Presidential Commission of Inquiry into the Accra Stadium Disaster (also known as the Okudzeto Commission) was formed to investigate the circumstances that led to the deaths and injuries in a crowd of soccer fans.²³¹

The Commission was mandated with investigating the causes and circumstances that led to the disaster, inquiring into Ghana's preparedness for such incidents and emergencies and recommending sanctions against public officers where appropriate.²³²

The Commission found that the fact that the police were armed, coupled with the layout of the stadium and the over reaction of police present, led to the tragedy. With respect to the police, the Commission stated that Regional Police Commands must assume full responsibility for control of security arrangements at sports events. It also recommended that a number of police officers be prosecuted for their role in the disaster.²³³

CHAPTER 9



Agenda for change

Ghana's police service is ready for change and Ghana is ready for a new police service.

Agenda for change

The police service has not kept up with Ghana's evolution from a British colonial outpost to a modern, independent African democracy. In 1951, as Ghana moved towards self rule and independence, basic recommendations were made by the Young Committee – as a government sponsored commission on policing – to begin to change and shape a new police service for Ghana. Unfortunately, over the years of political instability, regime change and military rule that followed, police officers found themselves involved in politics, and politicians in matters of policing. Moving to a modern, democratic, transparent and accountable police service was not a possibility in these circumstances.

Ghana's police service is ready for change and Ghana is ready for a new police service. Set out below are the major issues that need to be addressed by any reform process, to ensure that the resulting police service is democratic, transparent and accountable.

The police must be adequately resourced. This means that the police service must be provided with the infrastructure and equipment it needs to perform its functions effectively and efficiently.

Internal accountability must be supported. This means continuing to support the work of the Police Intelligence and Professional Standards Bureau, ensuring that the Bureau is adequately resourced and free from illegitimate political interference.

External accountability must be strengthened.

This means that **an independent civilian police complaints authority must be put in place** to deal with public complaints against the police.

It also means that the **membership of the Police Council must be reviewed**, to ensure its independence of both politics and the police. The President must comply with the constitutional provisions that require the appointment of the Police Council. **The Regional Police Committees must be established and supported**, to help them perform their work supporting the Police Council.

Inconsistencies between the Constitution and police legislation must be identified and removed. The Police Service Act must be revised to include a statement of values for the police organisation and a clear set of guidelines on police use of force.

Recruitment and training must be revised. This means aiming to recruit police members with an existing level of basic education. Training systems must be reworked to build a thorough foundation in human rights, accountability concepts and the practical application of these ideas, to new recruits. Training must be structured, constant and ongoing to ensure that all officers are equipped with the appropriate levels of training and skills.

The **Government must prove its political will for real change**, by leading and supporting reform processes based on existing debates and literature, international good practice and community consultation.

The **Government must legislate the right to information** by enacting the draft Freedom of Information Bill that is currently before Cabinet.

The **Government must comply with its reporting obligations under international treaties** that impact on human rights and policing. Particularly, outstanding reports under United Nations and African Union agreements must be submitted.



Annex 1: United Nations and other global instruments on policing

Universal Declaration of Human Rights (UDHR)

The 1948 UDHR is a fundamental source for legislative and judicial practice across the world, and a basis for all other international treaties and conventions discussed below. The UDHR defines the duty of governments to protect people's human rights, and lays down principles or standards for all nations to follow.

Standard Minimum Rules for the Treatment of Prisoners

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and approved by the Economic and Social Council in 1957, these rules set out principles and good practice in the treatment of prisoners and the management of institutions. The Rules were among the first international instruments for the protection of the rights of those accused of committing a criminal offence.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Adopted in 1965, ICERD reaffirms that all human beings are born free and equal in dignity, and should be entitled to equal protection of the law against any discrimination. Signatory states take responsibility for prohibiting and eliminating racial discrimination in all its forms. The UN Committee on the Elimination of Racial Discrimination was established under this Convention to monitor how the states have fulfilled their undertakings. The Committee also accepts complaints from one state about racial discrimination by another state.

International Covenant on Civil and Political Rights (ICCPR)

The 1966 ICCPR widened the range of rights established by the UDHR and established the UN Human Rights Committee to monitor implementation.

Optional Protocol to the International Covenant on Civil and Political Rights

Also adopted in 1966, this optional protocol sets up systems for the Human Rights Committee to receive and consider communications from individuals who claim to be victims of human rights violations by any signatory states.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Adopted in 1979, CEDAW defines discrimination against women and provides the basis for the realisation of equality between women and men. States which ratify CEDAW are legally bound to put its provisions into practice. It establishes the Committee on the Elimination of Discrimination against Women, which can receive and consider communications or complaints about gender discrimination from individuals or groups.

UN Code of Conduct for Law Enforcement Officials

Adopted in 1979, this code sets out basic standards for policing agencies across the world. It requires police officials in signatory states to recognise the rights set out in the UDHR and other international conventions.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Adopted in 1984, the CAT prohibits the use of torture or any other inhuman or degrading treatment in attempting to obtain information from a suspect. It is one of the most important

declarations to be observed by police officials in the exercise of their duty. The CAT establishes the Committee against Torture, which can consider individual complaints and complaints about torture from one state about another.

UN Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)

Adopted in 1985, the Rules are intended to be universally applicable across different legal systems, setting minimum standards to be observed in the handling of juvenile offenders. These rules require that law enforcement agencies respect the legal status of juveniles, promote their well-being, and avoid any harm to young suspects or offenders.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Adopted in 1985, this Declaration defines victims and their rights, and aims to ensure that police, justice, health, social services and other personnel dealing with victims are able to provide proper and prompt aid.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Adopted in 1988, the Body of Principles reaffirms that no one in any sort of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or to any form of violence or threats.

Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions

Recommended by the Economic and Social Council in 1989, this document defines principles concerning the arbitrary deprivation of life, and sets up measures to be taken by governments to prevent, investigate and take legal proceedings in relation to extra-legal, arbitrary and summary executions. The Principles should be taken into account and respected by governments within the framework of their national legislation and practices.

Convention on the Rights of the Child (CRC)

Adopted in 1989, the CRC recognises the rights of children, including child suspects, and requires that every child alleged to have infringed the penal law should be treated in a manner consistent with the promotion of the child’s sense of dignity and worth. A Committee on the Rights of the Child was established, but it does not accept individual cases.

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

Adopted in 1990, during the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, these principles set up a series of human rights standards regarding the use of force and firearms by law enforcement officials. They function as the global standards for police agencies worldwide, although they are not enforceable in law.

UN Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)

Adopted in 1990, the Tokyo Rules are basic principles set up by the United Nations in order to promote the use of non-custodial measures in punishment, as well as minimum safeguards for persons subject to alternatives to imprisonment.

UN Rules for the Protection of Juveniles Deprived of their Liberty

Adopted in 1990, these rules are intended to establish minimum standards for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteract the detrimental effects of all types of detention and to foster integration in society.

Declaration on the Protection of All Persons from Enforced Disappearance

Adopted in 1992, this body of principles arose from deep concern in the United Nations that in many countries there were persistent reports of enforced disappearance caused by officials of different levels of government, often police officials.

Declaration on the Elimination of Violence Against Women

Adopted in 1993, this Declaration requires governments to develop policies that will eliminate violence against women and sets standards for governments and law enforcement agencies to combat such violence, particularly sexual violence.

Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights (“Paris Principles”)

These principles are a set of internationally recognised standards created to guide states in the setting up of effective human rights commissions. The Paris Principles were endorsed by the United Nations General Assembly in December 1993.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms

Adopted in 1998, this Declaration sets down principles to ensure that states support the efforts of human rights defenders and ensure that they are free to conduct their legitimate activities without fear of reprisals.

UN Convention against Corruption (CAC)

Adopted in 2003 but not yet in force, the CAC calls for international cooperation to prevent and control corruption, and to promote integrity, accountability and proper management of public affairs and property.

Annex 2: United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

***For POLICE OFFICERS, the UN BASIC PRINCIPLES are:*²³⁴**

- To apply non-violent means as far as possible before resorting to the use of force and firearms;
- To only use force and firearms in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- To minimise damage and injury and respect and preserve human life;
- To provide prompt assistance and medical aid to any injured person whenever unavoidable use of force was applied, and to notify this person's relatives or close friends as soon as possible;
- To promptly report to a superior officer any incident involving injury or death caused by the use of force and firearms;
- Not to use firearms except in situations which involve self-defence or defence of others against imminent threat of death or serious injury, to prevent the perpetration of a serious crime involving threat to life, to arrest a person presenting such a danger and resisting the police authority, to prevent that person's escape, and only when less extreme means are insufficient.

For GOVERNMENTS, the UN BASIC PRINCIPLES are:

- To ensure that arbitrary or abusive use of force and firearms by police officers is punished as a criminal offence, under any circumstance;
- To regularly review the rules and regulations on the use of force and firearms;
- To make sure the rules specify circumstances under which police officers are allowed to carry firearms, prescribe the types of firearms permitted and provide for a system of reporting whenever police officers use firearms;
- To equip police with weapons and ammunition which allow for a differentiated use of force and firearms, such as non-lethal incapacitating weapons;
- To equip police with self-defensive equipment in order to decrease the need to use weapons of any kind;
- To ensure that police officers are properly selected, regularly go through professional training and have appropriate proficiency standards in the use of force;
- To ensure that human rights and police ethics are given special attention in the training of police officers, especially in the investigative process;
- To ensure that effective reporting and review processes are put in place whenever police officers use firearms in the performance of their duties and whenever any injury or death is caused by the use of force and firearms;
- To ensure that independent administrative or prosecutorial authorities exist to exercise jurisdiction on the circumstances in which force is used;
- To ensure that superior officers are held responsible if they know, or should have known, that those under their command are resorting or have resorted to unlawful use of force and firearms, and they did not do anything to prevent, suppress or report such a case;
- To ensure that no criminal or disciplinary sanction is imposed on a police officer who refuses to carry out an order to use force and firearms in compliance with the UN Code of Conduct and the UN Basic Principles.

Endnotes

- ¹ Commonwealth Human Rights Initiative (2005) *Police Accountability: Too Important to Neglect, Too Urgent to Delay*, http://www.humanrightsinitiative.org/publications/chogm/chogm_2005/chogm_2005_full_report.pdf as on 25 October 2007
- ² Commonwealth Human Rights Initiative (2005) *Police Accountability: Too Important to Neglect, Too Urgent to Delay*, http://www.humanrightsinitiative.org/publications/chogm/chogm_2005/chogm_2005_full_report.pdf as on 25 October 2007
- ³ US State Department (2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁴ Ankama, S.K. (1983) *Police history: Some aspects in England and Ghana*, Silkan Books, United Kingdom p. 22
- ⁵ Ankama, S.K. (1983) *Police history: Some aspects in England and Ghana*, Silkan Books, United Kingdom p. 20-26
- ⁶ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 8
- ⁷ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 5
- ⁸ US State Department (2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁹ US State Department (2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ¹⁰ US State Department (2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ¹¹ US State Department (2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ¹² Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 9 and Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 6
- ¹³ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 6
- ¹⁴ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 9
- ¹⁵ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 9
- ¹⁶ Ghana Police Service (2007) *Police Administration: A Brief History*, www.ghanapolice.org/police_admin/index.htm as on 8 February 2007
- ¹⁷ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 6
- ¹⁸ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 6
- ¹⁹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 6
- ²⁰ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 9
- ²¹ Ghana Government (2005) *Final Report of the National Reconciliation Commission*, Ghana, at 1.4.1.3
- ²² Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 6
- ²³ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, *Journal of Security Sector Management* p. 5
- ²⁴ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana pp. 7-8
- ²⁵ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 7
- ²⁶ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 7
- ²⁷ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 7
- ²⁸ Afari (2004) *Ghana Police Affairs - Reflections*, NAPASVIL Ventures
- ²⁹ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ³⁰ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ³¹ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ³² US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007

- ³³ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ³⁴ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, Journal of Security Sector Management p. 6
- ³⁵ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, Journal of Security Sector Management p. 6
- ³⁶ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, Journal of Security Sector Management p. 7
- ³⁷ Nkrumah (1971) *I speak of freedom*, Panaf Books Ltd, London, p. 181
- ³⁸ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ³⁹ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁴⁰ Ghana Police Service (2007) *Police Administration: A Brief History*, www.ghanapolice.org/police_admin/index.htm as on 8 February 2007
- ⁴¹ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁴² Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 10
- ⁴³ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 10
- ⁴⁴ Library of Congress (2005) *Ghana Country Study*, <http://lcweb2.loc.gov/frd/cs/ghtoc.html> as on 8 February 2007
- ⁴⁵ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁴⁶ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁴⁷ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 11
- ⁴⁸ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, Journal of Security Sector Management p. 7
- ⁴⁹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 11
- ⁵⁰ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 11
- ⁵¹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 11
- ⁵² US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁵³ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁵⁴ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 13
- ⁵⁵ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 29
- ⁵⁶ Ghana Police Service (2007) *Police Administration: A Brief History*, www.ghanapolice.org/police_admin/index.htm as on 8 February 2007
- ⁵⁷ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 14
- ⁵⁸ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁵⁹ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁶⁰ US State Department (October 2006) *Background note on Ghana*: www.state.gov/r/pa/ei/bgn/2860.htm as on 5 February 2007
- ⁶¹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 16
- ⁶² Section 200(1), *Constitution of the Republic of Ghana 1992*
- ⁶³ 200(3), *Constitution of the Republic of Ghana 1992*
- ⁶⁴ Section 202, *Constitution of the Republic of Ghana 1992*
- ⁶⁵ Section 201, *Constitution of the Republic of Ghana 1992*

- ⁶⁶ Section 83, *Constitution of the Republic of Ghana* 1992
- ⁶⁷ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 6
- ⁶⁸ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 6
- ⁶⁹ Fraser and Oye Lithur (2005) *Mobillah and extra-judicial killing in the aftermath of 2004 elections*, *Modern Ghana General News*, March 1 2005, <http://pda.modernghana.com/pda.asp?id=VG5wSk5FNTZXVDA9&which=1> as on 23 October 2007
- ⁷⁰ Bayefsky.com (2007) *Ghana reporting history ICCPR*, http://www.bayefsky.com/html/ghana_t3_ccpr.php as on 20 February 2007
- ⁷¹ Bayefsky.com (2007) *Ghana reporting history ICESCR*, http://www.bayefsky.com/html/ghana_t3_cescr.php as on 20 February 2007
- ⁷² Bayefsky.com (2007) *Ghana reporting history CEDAW*, http://www.bayefsky.com/html/ghana_t3_cedaw.php as on 20 February 2007
- ⁷³ Bayefsky.com (2007) *Ghana reporting history CRC*, http://www.bayefsky.com/html/ghana_t3_crc.php as on 20 February 2007
- ⁷⁴ Bayefsky.com (2007) *Ghana reporting history CAT*, http://www.bayefsky.com/html/ghana_t3_cat.php as on 20 February 2007
- ⁷⁵ United Nations Economic Commission for Africa (2005) *Implementation of the Africa Peer Review Mechanism in Ghana*, Ethiopia
- ⁷⁶ Kioko (2005) "The African Union and the Implementation of the Decisions of the African Court on Human and Peoples' Rights", *Interights Bulletin*, Volume 15, Number 1 pp. 7-8
- ⁷⁷ African Commission on Human and Peoples' Rights (2006) *Status on submission of state periodic reports to the African Commission on Human & Peoples' Rights*, http://www.achpr.org/english/_info/status_submission_en.html as on 20 February 2007
- ⁷⁸ African Commission on Human and Peoples' Rights (2006) *Status on submission of state periodic reports to the African Commission on Human & Peoples' Rights*, http://www.achpr.org/english/_info/status_submission_en.html as on 20 February 2007
- ⁷⁹ Mansour (2006) *The relationship between the ECOWAS Court of Justice and the Future African Court on Human and Peoples' Rights*, www.africancourtcoalition.org/content_files/files/RelationshipbetweenECOWASCourtandAfricanCourt.doc as on 7 March 2007
- ⁸⁰ Mansour (2006) *The relationship between the ECOWAS Court of Justice and the Future African Court on Human and Peoples' Rights*, www.africancourtcoalition.org/content_files/files/RelationshipbetweenECOWASCourtandAfricanCourt.doc as on 7 March 2007
- ⁸¹ For more detail on the Volunteer Police Reserve, see the Sixth Schedule of the *Police Service (Administrative) Regulations*, 1974 91.I. 8800.
- ⁸² Vinorkor (2006) *Police confess: Our training is inadequate*, *Daily Graphic*, 23 May 2006 p. 1
- ⁸³ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 49
- ⁸⁴ Library of Congress (2005) *Ghana Country Study*, <http://lcweb2.loc.gov/frd/cs/ghtoc.html> as on 8 February 2007
- ⁸⁵ Library of Congress (2005) *Ghana Country Study*, <http://lcweb2.loc.gov/frd/cs/ghtoc.html> as on 8 February 2007
- ⁸⁶ Library of Congress (2005) *Ghana Country Study*, <http://lcweb2.loc.gov/frd/cs/ghtoc.html> as on 8 February 2007
- ⁸⁷ Ghana Police Service (2007) *Brief History of Ghana Police College*, www.ghanapolice.org/others/college.htm as on 8 February 2007
- ⁸⁸ Ghana Police Service (2007) *Brief History of Ghana Police College*, www.ghanapolice.org/others/college.htm as on 8 February 2007
- ⁸⁹ Library of Congress (2005) *Ghana Country Study*, <http://lcweb2.loc.gov/frd/cs/ghtoc.html> as on 8 February 2007
- ⁹⁰ Library of Congress (2005) *Ghana Country Study*, <http://lcweb2.loc.gov/frd/cs/ghtoc.html> as on 8 February 2007
- ⁹¹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 49

- ⁹² Vinorkor (2006) *Police confess: Our training is inadequate*, Daily Graphic, 23 May 2006 p. 1
- ⁹³ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 49
- ⁹⁴ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 21
- ⁹⁵ Commonwealth Secretariat (2007) *Human Rights: Our Work: Increasing Knowledge and Awareness* http://www.thecommonwealth.org/Internal/153657/153663/increasing_knowledge_and_awareness/ as on March 7 2006
- ⁹⁶ Commonwealth Secretariat (2007) *Human Rights: Our Work: Increasing Knowledge and Awareness* http://www.thecommonwealth.org/Internal/153657/153663/increasing_knowledge_and_awareness/ as on March 7 2006
- ⁹⁷ Section 200, *Constitution of the Republic of Ghana 1992*
- ⁹⁸ Wakulat and Ochill (2006) *Use of Force by the Ghana Police: Unbridled or Reasonable?*, CHRI Newsletter, Volume 13, Number 1, Spring 2006
- ⁹⁹ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 6
- ¹⁰⁰ Ghana Police Service (2007) *Police Administration: Administration of the Service*, www.ghanapolice.org/police_admin/broad_formation.htm, as on 8 February 2007
- ¹⁰¹ Akwei (2006) *Is the duty of the police worthy of note?*, The Chronicle, 20 July 2006
- ¹⁰² Duncan (2006) *Police accountability: A right not a privilege*, The Chronicle, July 11 2007, p 3
- ¹⁰³ Akwei (2006) *Is the duty of the police worthy of note?*, The Chronicle, 20 July 2006
- ¹⁰⁴ Yeboah (2006) *Commercialisation of Police Service?*, Graphic 6 July 2006
- ¹⁰⁵ Achama (2006) *Police Inspector Faces Fresh Charges*, Daily Guide, 23 August 2006
- ¹⁰⁶ Ghana Web (2006) *The police have done it again*, Ghana Web, 31 January 2006, www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=98521 as on 7 February 2007
- ¹⁰⁷ Yeboah (2006) *Commercialisation of Police Service?*, Graphic 6 July 2006
- ¹⁰⁸ The Statesman (2006) *Drug baron's secretary: Asibi demanded \$300,000 to bribe police*, The Statesman, 9 August 2006 p. 2
- ¹⁰⁹ Fosu (2006) *I didn't take it: CID boss*, Daily Guide, July 27 2006
- ¹¹⁰ Tamakloe (2006) *Carry on Ghana Police: Stuff Missing Again*, The Enquirer, 27-30 July 2006
- ¹¹¹ Agbewode (2006) *Juapong Police score another human rights abuse*, The Chronicle, 23 May 2006 p. 10
- ¹¹² Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24
- ¹¹³ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24
- ¹¹⁴ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007
- ¹¹⁵ Frimpong (2005) *Police gun down carpenter*, The Chronicle, May 5 2005
- ¹¹⁶ Kewura (2006) *Cops torture man to coma*, The Chronicle, January 19 2006 p. 1
- ¹¹⁷ BBC News Online (2001) *Relatives besiege Ghana hospitals*, <http://news.bbc.co.uk/1/hi/world/africa/1323356.stm> as on 23 February 2007
- ¹¹⁸ BBC News Online (2001) *Relatives besiege Ghana hospitals*, <http://news.bbc.co.uk/1/hi/world/africa/1323356.stm> as on 23 February 2007
- ¹¹⁹ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, Journal of Security Sector Management p. 21, referring to paragraph 5(b) of the Government White Paper on the Okudzeto Report
- ¹²⁰ Yeboah (2006) *Commercialisation of Police Service?*, Graphic 6 July 2006
- ¹²¹ Sydney (2007) *IGP Interdicts 2 cops*, Daily Graphic, 24 February 2007 p. 1
- ¹²² Independent Commission on Policing for Northern Ireland (1999) *A New Beginning: Policing in Northern Ireland - The Report of the Independent Commission on Policing for Northern Ireland*, Northern Ireland, p. 18
- ¹²³ Global Facilitation Network for Security Sector Reform (undated), *Compendium of Good Practices on Security Sector Reform*, http://www.gfn-ssr.org/good_practice.cfm?id=27&p=13 as on 17 May 2006
- ¹²⁴ The Independent Commission on Policing for Northern Ireland (1999) *A New Beginning: Policing in Northern Ireland - Report of the Independent Commission on Policing for Northern Ireland*. <http://www.belfast.org.uk/report/chapter04.pdf> as on 17 May 2006
- ¹²⁵ Morgan (2006) *Nigeria takes the lead on Freedom of Information Act*, http://www.thestatesmanonline.com/pages/news_detail.php?newsid=810§ion=1

- ¹²⁶ Morgan (2006) *Nigeria takes the lead on Freedom of Information Act*, http://www.thestatesmanonline.com/pages/news_detail.php?newsid=810§ion=1
- ¹²⁷ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 6
- ¹²⁸ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 6
- ¹²⁹ Section 18 of the *Police Service Act 1970* (Ghana)
- ¹³⁰ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 11
- ¹³¹ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 11
- ¹³² Section 4(1) of the *Police Service (Disciplinary Proceedings) Regulations*
- ¹³³ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 15
- ¹³⁴ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 15
- ¹³⁵ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 16
- ¹³⁶ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 18
- ¹³⁷ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 21
- ¹³⁸ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 19
- ¹³⁹ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 19
- ¹⁴⁰ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 19
- ¹⁴¹ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 20
- ¹⁴² Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 20
- ¹⁴³ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 20
- ¹⁴⁴ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 23
- ¹⁴⁵ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 23
- ¹⁴⁶ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 22
- ¹⁴⁷ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 24
- ¹⁴⁸ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 25
- ¹⁴⁹ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 25
- ¹⁵⁰ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 27
- ¹⁵¹ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 28
- ¹⁵² Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, pp. 28-30
- ¹⁵³ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 31
- ¹⁵⁴ Tsidi, F. (2006) *Ghana Police Service Internal Accountability Mechanisms*, Ghana, p. 31
- ¹⁵⁵ Section 203(1) of *Constitution of the Republic of Ghana 1992*
- ¹⁵⁶ Section 203(2) of *Constitution of the Republic of Ghana 1992*
- ¹⁵⁷ Section 201 of *Constitution of the Republic of Ghana 1992* as amended by section 7 of the *Constitution of the Republic of Ghana (Amendment) Act 1996 (Act 527)* (Ghana)
- ¹⁵⁸ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 pp .6-8
- ¹⁵⁹ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 p. 13
- ¹⁶⁰ Section 10(7) of the *Police Service Act 1970* (Ghana)
- ¹⁶¹ Section 12 of the *Police Service Act 1970* (Ghana)
- ¹⁶² Sections 14 and 15 of the *Police Service Act 1970* (Ghana)
- ¹⁶³ Section 16 of the *Police Service Act 1970* (Ghana)
- ¹⁶⁴ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 34
- ¹⁶⁵ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 p. 10
- ¹⁶⁶ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 p. 10
- ¹⁶⁷ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 34
- ¹⁶⁸ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 p. 10
- ¹⁶⁹ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 p. 10

- ¹⁷⁰ Foley (2006) *The Police Council in Ghana*, http://www.humanrightsinitiative.org/programs/aj/police/ea/conference_2006/ghana_police_council_edmund_foley.pdf as on 25 October 2007 p. 8
- ¹⁷¹ GhanaWeb (2006) *Police as an institution is not on trial*, GhanaWeb, 10 August 2006
- ¹⁷² GhanaWeb (2006) *Police as an institution is not on trial*, GhanaWeb, 10 August 2006
- ¹⁷³ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 35
- ¹⁷⁴ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 16
- ¹⁷⁵ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 17
- ¹⁷⁶ All case studies and statistics are taken from the Commission's series of annual reports.
- ¹⁷⁷ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 17
- ¹⁷⁸ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 17
- ¹⁷⁹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 37
- ¹⁸⁰ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 37
- ¹⁸¹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 37
- ¹⁸² Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 36
- ¹⁸³ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 36
- ¹⁸⁴ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 37
- ¹⁸⁵ *Alhasuna Muslim Faith v Regional Police Commander, Bolgatanga* [1994-2000] CHRAJ 191
- ¹⁸⁶ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 17
- ¹⁸⁷ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 18
- ¹⁸⁸ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 18
- ¹⁸⁹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 35
- ¹⁹⁰ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 15
- ¹⁹¹ NZ Herald (2006) *Ghana police in court over missing drugs haul*, New Zealand Herald, September 20 2006, as on 8 February 2007
- ¹⁹² NZ Herald (2006) *Ghana police in court over missing drugs haul*, New Zealand Herald, September 20 2006, as on 8 February 2007
- ¹⁹³ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 16
- ¹⁹⁴ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 16
- ¹⁹⁵ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 16
- ¹⁹⁶ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 14
- ¹⁹⁷ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 14
- ¹⁹⁸ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 43
- ¹⁹⁹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 43
- ²⁰⁰ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 43
- ²⁰¹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 43
- ²⁰² Institute of Commonwealth Studies (2000) *Parliamentary Oversight of the Security Sector in the Commonwealth*, a report developed from an expert meeting convened by the Commonwealth Policy Studies Unit, London, March 28-29 2007.
- ²⁰³ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 44
- ²⁰⁴ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 42
- ²⁰⁵ *Republic v IGP; Ex Parte Apeaning* [1984-86] 1 GLR 299
- ²⁰⁶ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 20
- ²⁰⁷ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 39
- ²⁰⁸ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 19
- ²⁰⁹ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24
- ²¹⁰ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24
- ²¹¹ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24 and Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 46
- ²¹² Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24
- ²¹³ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 24
- ²¹⁴ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 47

- ²¹⁵ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 47
- ²¹⁶ Article 21 (a) and (f) the *Constitution of the Republic of Ghana* 1992
- ²¹⁷ Adler (2007) World Press Freedom Review 2005, International Press Institute, www.freemedia.at as on 8 Feb 2007
- ²¹⁸ Adler (2007) World Press Freedom Review 2005, International Press Institute, www.freemedia.at as on 8 Feb 2007
- ²¹⁹ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 26
- ²²⁰ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 9
- ²²¹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 9
- ²²² Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 9
- ²²³ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 9
- ²²⁴ Aning, E.K. (2006) *An overview of the Ghana Police Service*, April 2006, Journal of Security Sector Management p. 14
- ²²⁵ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 9
- ²²⁶ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 11
- ²²⁷ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 14
- ²²⁸ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 39
- ²²⁹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 14
- ²³⁰ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 15
- ²³¹ Quantson, K.B. (2006) *Reform of the Ghana Police Service*, Ghana p. 15
- ²³² Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 19
- ²³³ Appiagyei-Atua (2006) *A Study on Police External Accountability in Ghana*, Ghana p. 40
- ²³⁴ Atuguba, R. (2006) *Structure of the Ghana Police Service and Its Effect on Accountability*, Ghana p. 19
- ²³⁵ *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*

CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

HUMAN RIGHTS ADVOCACY: CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

ACCESS TO INFORMATION

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

ACCESS TO JUSTICE

Police Reforms: In too many countries the police are seen as oppressive instruments of the state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: The closed nature of prisons makes them prime centres of violations. CHRI aims to open up prisons to public scrutiny by ensuring that the near defunct lay visiting system is revived.

Judicial Education: CHRI facilitates judicial exchanges focusing on access to justice for the most vulnerable. Participating judges get a rare opportunity to hear from activists and experts, focus on pressing issues specific to their region and familiarize themselves with recent legal and procedural, as well as social and scientific, developments relevant to their judicial work. The work was begun with INTERIGHTS some years ago. CHRI now works independently to orient lower court judges on human rights in the administration of justice.

