

LEST WE FORGET

Forty years ago, on Thursday July 1, 1982, the 22nd anniversary of our beloved Republic, the Ghana Broadcasting Corporation reported a news item that sounded routine and unnecessary, initially. All Judges, it was announced, were thenceforth to be provided with armed security for their protection. Since the Judges already had security protection of some sort, the announcement made little impression on the general population and lawyers. Not even the most sceptical, suspected that behind the news item, was a repugnant episode, the horrible details of which were to unfold later.

Soon it was announced officially that three High Court Judges and a retired Army Officer had been abducted at night during the curfew hours of 30th June 1982. Prayers were offered for their safety.

But the nation's worst fears became a reality when it was announced that Mr. Justice Fred Poku Sarkodee, Mrs. Justice Cecilia Koranteng-Addow and Mr. Justice Kwadwo Agyei Agyepong, all Judges of the High Court and Major Sam Acquah, a retired army officer, had been most brutally and savagely murdered on the night of their abduction. This cruel, savage and heartless act occurred at the Bundase Military Range in the Accra Plains.

The bodies of these precious Ghanaians had been soaked with petrol and set on fire. Divine intervention, through a heavy downpour that night, quenched the burning bodies. When discovered, the charred bodies had deteriorated into a state of decomposition.

The nation was stunned. There was swift, widespread and open condemnation by Ghanaians from all walks of life. Pressure mounted on the then military government for a thorough investigation and punishment on the perpetrators.

The Provisional National Defence Council, publicly declaring itself to be horrified by the crime and yielding to the strong public pressure, appointed a Special Investigation Board with a former Chief Justice of

Ghana, the Late Mr. Justice Samuel Azu Crabbe, as Chairman, to investigate the murders. The courage and professional expertise of its main investigator, the late Chief Superintendent Jacob Jebuni Yidana, an officer of the Ghana Police Service, will go down in the history of Ghana as the qualities that helped produce one of the best criminal investigations ever undertaken in this country. The Special Investigation Board submitted a report, which was published along with a Government White Paper.

The Special Investigation Board made a number of findings leading to the prosecution of Joachim Amartey Kwei, a member of the PNDC, Lance Corporals Samuel Amedeka and Michael Senyah, and two ex-soldiers: Johnny Dzandu and Tonny Tekpor.

During the trial, Lance Corporals Amedeka, Dzandu and Tekpor escaped in a jailbreak. Amedeka fled the country but Dzandu and Tekpor were captured and they rejoined the trial. All accused persons were found guilty and sentenced to death. Lance Corporal Amedeka was sentenced in absentia. Though Lance Corporal Tekpor was also convicted he was not available to face the death penalty because it was alleged that some days before his trial concluded, another Public Tribunal had found him guilty of acts committed in connection with the jailbreak and he had suffered death in the execution of the sentence of that tribunal.

This is a brief résumé of the historical background to the dreadful events we have met here today to commemorate. Our departed colleagues died in the line of duty to their nation, to their countrymen and to the rule of law.

For the past thirty-nine years, the Bar and Bench have mourned the death of these martyrs of the rule of law. In response to the call for reconciliation by the National Reconciliation Commission and the biblical injunction that we should forgive those who trespass against us, we have forgiven the wrongdoers for their cowardly and evil deeds. But we still remember these martyrs of the rule of law and will continue to

celebrate them. The Bar and Bench acknowledge and proclaim those good qualities and deeds for which they were murdered.

Justices Fred Poku Sarkodee, Cecilia Koranteng-Addow, and Kwadwo Agyei Agyepong, the Bar, Bench and the people of Ghana salute you. You died in the line of duty. You performed your duty as judges without fear or favour. You stood for the rule of law. But your assassins hated what you stood for and murdered you. They could not eliminate what you stood for. Your monuments stand in the forecourt of the Supreme Court building in constant reminder of the good qualities required of a judge. Judges, Magistrates and Lawyers will continue to draw inspiration from the bold and courageous manner in which you administered justice in those challenging times. We will continue to celebrate you, lest we forget what you lived and died for.

Today, June 30, marks Martyrs Day; a day set aside to commemorate the bestial and gruesome murder of three aforementioned three High Court judges together with a retired military officer.

For the past thirty nine (39) years, the Bar and Bench together with other well-wishers have collaborated to religiously and solemnly mourn the callous murders of these martyrs of the rule of law by marking this day as if our lives depended on it.

So we still remember these martyrs of the rule of law and will continue to celebrate them. The Bar and Bench acknowledge their sacrifices and will proudly continue to proclaim their good works and principles they stood for, their integrity and service to this country. Their names are forever etched in our minds.

But their deaths should not be in vain. In my opinion, two lessons are to be learnt from their unfortunate, unlawful and tragic killings: Firstly, their deaths should continue to encourage and embolden our hardworking and noble men and women of the Judiciary in Ghana administering justice in integrity, without fear or favour, affection or ill-will, knowing that their independence and tenure are more guaranteed and protected under the 1992 Constitution, a markedly different environment from the dark and heinous days of 1982.

It is the fervent hope of the Ghana Bar Association that current and future judges, magistrates and lawyers will continue to draw inspiration from the bold and courageous manner in which you- our martyrs- administered justice.

Secondly, their killings should serve as constant reminder of the need for all of us to eschew tendencies including by words and actions that could threaten the existence and consolidation of democracy under the 4th Republic and the general stability and health of this country.

Mr. President, My Lords, Learned colleagues at the Bar, ladies and gentlemen, these unfortunate events- the rendition of which has just been given- happened in the aftermath of a coup d'état, a period associated with lawlessness and impunity. The horrible acts and consequences associated with such regimes- both home and abroad- are well-documented to bear repeating.

It is why the GBA has found it unfortunate and uncomfortable some recent misguided statements and/or suggestions from certain quarters for a coup in this country because of their personal or parochial interests and/ or their disagreements and differences with the current regime and perspectives as to how things ought to be done.

Democratic governance and Constitutional rule- as we have in Ghana under the 1992 Constitution, providing for constitutionalism, fundamental human rights including periodic free and fair elections- despite its peculiar imperfections- is still a superior alternative to any other known form of governance.

Coup d'états have deleterious consequences. The lives of the martyrs we commemorate today should be a lesson to all of us; none of them held political offices, they were members of a constitutionally created judiciary carrying out their duty of administering justice yet their lives were brutally cut short.

That is the reality of violent and unconstitutional overthrow of governments – everyone is at risk as the masses become vulnerable;

many innocent people through no fault of theirs are caught in the crosshairs of lawlessness and anarchy; terror reigns and impunity becomes the order of the day. That should be a lesson for all of us.

In as much as we might have wished things were different or better or even for the state or government to ensure that conditions that could lead to such agitations are not created, it is the duty of all of us as citizens to be tolerant and protect our constitutional democracy and to ensure that the 4th Republic continues to thrive and fulfil our individual and collective aspirations as one people with a common destiny.

As a corollary to the above, inasmuch I would concede that our judiciary is not perfect and there is always room for improvement, and they are not beyond criticism; however the appropriate tools for correction and improvement should be by constructive criticisms and superior arguments rather than statements and acts that attack their persons, undermine their independence, bring the administration of justice into disrepute and threaten their very security and safety.

The GBA accordingly urge our friends in the media to be more alert and responsible and not allow their platforms to be used as outlets for divisions, intemperate language, hatred and statements that encourage the violent and unconstitutional overthrow of our constitutional democracy.

On a very personal note, among those seated in this auditorium is Mr. Yaw Agyapong; a proud son of Justice Kwadwo Agyei Agyapong, one of the martyrs we celebrate today. Yaw- as I affectionately call him- was my classmate at Prempeh College when his father suffered that fate.

As young teens then, it was very difficult for us collectively to deal with the trauma of that event as we learnt of the tragedy that had befallen a classmate and a brother. We put ourselves in his shoes!

Forty years later, I stand here to deliver this speech as President of the Ghana Bar Association in remembrance of this unfortunate event; with

a call to all to never again should the events of 30th June, 1982, repeat in our country.

For we owe to the next generation to bequeath to them an enduring legacy of peaceful and democratic governance as the best framework and environment within which for them to realize their potentials and dreams.

We must all appreciate that an imperfect constitutional democracy that gives the opportunity to citizens to either change governments or extend their mandate is a far better option than any form of military adventurism where our lives and opportunities would be at the whims and caprices of some lawless few.

May the name and good works of the martyrs of 30th June, 1982, continue to live forever and inspire all that is good and noble on our land.

May the Rule of Law reign supreme in our land!

May God bless the administration of justice in our country!

May God bless the Ghana Bar Association.

May God bless our law enforcement and security agencies!

May God bless our homeland Ghana and make it great and strong, bold to defend forever, the cause of freedom and of right...

May God help us to resist oppressors 'rule with all our will and might forever more.

I am grateful for your time.... And I hope to see you all again next year!

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