

GHANA SCHOOL OF LAW

REPORT OF THE INVESTIGATIVE COMMITTEE ON ALLEGATIONS OF FIANANCIAL IMPROPRIETY
AND MISMANAGEMENT OF SRC FUNDS AND THE MANAGEMENT OF THE AFFAIRS OF THE SRC
BY THE CURRENT EXECUTIVES AT THE GHANA SCHOOL OF LAW

DATED THIS 22ND DAY OF AUGUST 2022

EXECUTIVE SUMMARY

- i. There is evidence to support a conclusion that the SRC President (Wonder Victor Kutor), placed himself in a position where his personal interest conflicted with that of the Ghana School of Law Students' Representative Council (SRC) in the procurement and purchase of the Toyota Corolla Vehicle with registration number GM 3222-21.
- ii. The SRC's Procurement Committee failed to do basic due diligence on the legal status of persons who submitted bids and did not comply with its own criteria in the Notice to Tender published for the procurement of the Toyota Corolla vehicle.
- iii. The reasons given for the Procurement Committee's failure to investigate the legal capacity of the bidders to contract with the GSL-SRC were found to be unsatisfactory and revealed a lack of experience and/or competence of the members of that committee.
- iv. Submaxinn (Motors) Consult, which was selected as the entity with the most responsive bid, is an unregistered entity with no legal capacity to enter into contract.
- v. Submaxinn (Motors) Consult directed that all cheques issued for payment in its favour should be made to Submaxinn Consult and a sum of GHS71,500 being the purchase price of the Toyota Corolla vehicle was issued by the GSL-SRC in favour of Submaxinn Consult.
- vi. In his capacity as SRC President, Wonder Victor Kutor drew the cheque for the sum of GHS 71,500 and co-signed it with the SRC Treasurer. Thereafter Wonder Victor Kutor received the value of the cheque in his personal capacity as the owner of Submaxinn Consult.
- vii. A search conducted at the Registrar General's Department confirmed that Submaxinn Consult is a sole proprietorship registered in the name of Wonder Victor Kutor, the SRC President.
- viii. Wonder Victor Kutor did not disclose his interest in Submaxinn Consult until he was confronted with that fact by Umaru Sanda, in an interview on Citi FM in April 2022. During that interview, Wonder Victor Kutor admitted that it was his "company" Submaxinn Consult that submitted and won the bid to supply the Toyota vehicle to the GSL-SRC, and that his "company" supplied the Toyota vehicle.
- ix. Wonder Victor Kutor's assertion on the Citi FM interview that he had disclosed his connection to Submaxinn Consult to the Procurement Committee before the evaluation of bids, was found to be untrue.



- x. Evidence taken from Mr. Emmanuel Takyi, a friend and business associate of Wonder Victor Kutor, confirmed that Emmanuel Takyi gave the details of Submaxinn Consult to one Clement Gavor, the purported "owner" of the non-existent Submaxinn (Motors) Consult, for the sole purpose of receiving payment for the supply of the Toyota Vehicle. This arrangement was with the tacit approval of Wonder Victor Kutor who confirmed giving Emmanuel Takyi a carte blanche to use Submaxinn Consult for the latter's business interests.
- xi. Wonder Victor Kutor confirmed that Submaxinn Consult received the sum of GHS71,500 and that as the sole signatory to Submaxinn Consult's account, he disbursed those funds to Emmanuel Takyi.
- xii. A valuation of the Toyota Corolla vehicle conducted at the investigative Committee's request by STC Professional Vehicle and Equipment Valuers revealed its estimated fair market value as Thirty Thousand Seven Hundred and Ten Ghana Cedis (GHS30,710.00).
- xiii. The valuation also confirmed that the Toyota Corolla vehicle was a 2014 model and not a 2015 model as misrepresented by the supplier of the vehicle in the bid submitted in response to the Notice to Tender.
- xiv. Circumstantial evidence gathered from all persons interviewed on the procurement of the vehicle, strongly suggests that the Toyota Corolla Vehicle with registration number GM 3222-21 is the same unregistered Toyota vehicle that Wonder Victor Kutor used to drive during his campaign for the SRC Presidency.
- xv. The other SRC Executives appeared to have little to no role in the processes for the procurement of the Toyota Corolla vehicle and simply did the bidding of the SRC President with respect to making payment.
- xvi. The evidence gathered, confirms that Wonder Victor Kutor acted as seller and buyer in the sale of the Toyota vehicle to the GSL-SRC and thereby placed himself in a conflict-of-interest position as well as breaching his presidential oath.
- xvii. The contract for the supply of the Toyota vehicle was void ab initio due to the supplier's lack of capacity to enter into contract and misrepresentation of the age of the vehicle. Wonder Victor Kutor should refund the sum of GHS71,500 paid to him through Submaxinn Consult's bank account.



- xviii. Regarding the operation of a mobile money (Momo) business on the SRC's premises, there is evidence to support a conclusion that the operation of a Momo business on the SRC's premises is a sole enterprise of Wonder Victor Kutor.
- xix. The merchant sim for the Momo business is registered in the name Wonder Consult, another sole proprietorship owned by Wonder Victor Kutor.
- xx. There was no evidence of an executive decision taken by the SRC Executive Council for the operation of an SRC Momo business. The person running the Momo business one Millicent Ohenewaa, was privately recruited by Wonder Victor Kutor and renders account to him only. She also receives allowances from him and not the SRC.
- xxi. The SRC has not received and does not receive any income from the Momo business and has no access to information on its transactions.
- xxii. The decisions for foreign travels embarked upon by the SRC were unilaterally taken by the SRC President. He also single-handedly selected those who travelled. The SRC Foreign Affairs Committee and other SRC Executives simply followed his instructions.
- xxiii. Testimonies from the Chairperson of the SRC Foreign Affairs Committee and the SRC Secretary revealed that a visit to Uganda undertaken upon the SRC President's instructions, was poorly organised, left them financially stranded at different stages of their visit and exposed them to the risk of personal injury. They did not have travel insurance.
- xxiv. The visit to Uganda largely failed to achieve its purpose since the students that the Ghanaian delegation met in Uganda were all at the faculty level. Further, their examination timetable was such that they would be unable to participate in the activities that the delegation sought to invite them for.
- xxv. Allegations published on Ghanaweb that Safo Kwame Oheneba, the SRC Secretary, had failed to present a report on the trip to Uganda and to account for GHS20,000 given to him for the trip are unfounded.
- xxvi. There was rather undisputed evidence that the delegation to Uganda was not given enough funds for their upkeep and at a point had to fall on their families and personal resources to find decent accommodation in Kampala.



- xxvii. The only person who knew that the SRC Secretary had not been given any sum of GHS20,000 for the Uganda trip was the SRC President who sent the delegation to Uganda and gave them money for their expenses. Further, the SRC President knew that the SRC Secretary had presented a detailed report within six (6) days of his return to Ghana, yet the SRC President failed and or refused to vindicate the SRC Secretary when the false publication was made.
- xxviii. The SRC President's failure to speak up or to publish a rejoinder to correct the narrative when he knew or ought to have known that the publication was false, was a breach of his presidential oath to seek the wellbeing of SRC members and lends credence to the SRC Secretary's suspicion that he was the one who instigated the malicious publication.
- xxix. Evidence gathered revealed that one Albert Obidiaba who is not a student at the Ghana School of Law, was sponsored with SRC funds for the Uganda trip. Albert Obidiaba's only connection to the Ghana School of Law is that he was formerly a media person on Wonder Victor Kutor's campaign team when the latter was vying for the SRC presidency.
- xxx. Wonder Victor Kutor took the decision for Albert Obidiaba to be sponsored for the Uganda trip without informing or consulting the Executive Council.
- xxxi. 21 students paid monies into the SRC's Cedi account for trips to the United States of America which were subsequently cancelled. The total sum of money paid into the SRC's account was Three Hundred and Forty-two Thousand One Hundred and Seventy-Eight Ghana Cedis, Fifty pesewas (GHS 342,178.50). Two out of the 21 students paid a total of Three thousand five hundred US dollars (\$3,500) which was kept by the SRC President because the SRC does not have a dollar account.
- xxxii. From the evidence received, part of the GHS 342,178.50 paid into the SRC account for the trips to the USA had been used for other purposes leaving a bank balance of GHS 214,663.49 as at the end of April 2022. According to the SRC President, the US\$ 3,500 had been used for other SRC expenses but he could not present any verifiable account statement for those expenses.
- xxxiii. It is evident that a significant chunk of the monies paid for the aborted trips were used for other purposes thereby making it difficult to give each of the 21 students a refund after deduction of legitimate expenses.



- xxxiv. Significant sums of money were spent on scholarship grants to selected students but there was no evidence of any established scholarship fund, or the sources of funds applied. There was no clear criteria for assessing eligibility for the scholarship and the current approach was open to subjectivity.
- xxxv. The SRC President ran his office as an autocrat with little or no accountability to his fellow executives. He made decisions without regard for the input of the other executives. Consequently, monies were spent carelessly in anticipation of sponsorship did not materialise.
- xxxvi. Monies belonging to the SRC were mismanaged and or misapplied due to lack of good governance and accountability non-compliance with the SRC Constitution.
- xxxvii. The totality of evidence gathered confirms that Wonder Victor Kutor acted against the best interest of the GSL-SRC and failed to exhibit the good character and/or level of integrity required for holding the high office of SRC President and enrolment as a lawyer.
- xxxviii. The national interest and negative publicity that Ghana School of Law attracted following the allegations of conflict of interest and impropriety levelled against Mr. Wonder Victor Kutor is indicative of the seriousness that the public attaches to the need for integrity in persons aspiring to be lawyers or to have anything to do with the administration of justice. It is also a reflection of the risk of impending reputational damage to the school if appropriate sanctions are not applied.

Recommendations

- i. Rescission of the contract for the supply of the Toyota Corolla as being void ab initio based on the non-existence of Submaxinn (Motors) Consult and the misrepresentation in the age of the car.
- ii. A refund of the purchase price of the vehicle by Wonder Victor Kutor the sole proprietor of Submaxinn Consult and the recipient of the purchase price.
- iii. Criminal investigations into the procurement/bidding process due to the clear case of deceit in passing off a 2014 Toyota Corolla vehicle as a 2015 model and doing so through a non-existent entity.
- iv. Members of the Procurement Committee must be reprimanded for the lapses in their evaluation of the bids submitted for the supply of the Toyota vehicle.



- v. The SRC Treasurer, Bernard Akyereko must also be reprimanded for his failure to probe the SRC President's instructions to co-sign cheques for various SRC transactions including the sum of GHS71,500.00 for the Toyota Corolla vehicle and the disbursement of the monies paid for the USA trips for other purposes.
- vi. The Momo business operated with Wonder Consult's sim card should be suspended and an audit conducted to ascertain if SRC funds were used in running the Wonder Consult Momo business and if any profit has accrued to the SRC.
- vii. The SRC may apply for its own merchant sim card and engage an eligible candidate to operate it on its behalf.
- viii. Foreign trips organised by the SRC must receive prior approval from the Management of the Ghana School of Law and students who embark on such trips must procure or be provided with travel insurance for the duration of the trip.
- ix. An audit should be conducted on the SRC's accounts and students who paid for the aborted SRC trips should be given a refund of payments made less legitimate expenses such as visa application fees. GSL Management will have to take an administrative decision on whether to advance the shortfall in the amounts to be refunded from SRC's dues and thereafter recover it from those revealed by the audit to have misapplied the monies paid for those said trips.
- x. The two (2) students who made dollar payments for the aborted US trip should receive a refund in the Ghana Cedi equivalent of the amounts paid in US dollars at the prevailing Bank of Ghana exchange rate on the date of the refund.
- xi. Those established by the audit to be liable for misapplication of funds paid for the overseas trips should be surcharged with the shortfall and their call to the Bar deferred until payment is made.
- xii. The SRC must promptly publish a rejoinder to the false publication about Safo Kwame Oheneba, the SRC Secretary on Ghana web to set the record straight. The rejoinder must have the same prominence as the false publication. The Management of the Ghana School of Law must also procure a retraction of the false publication based on this Committee's findings. The publication of the rejoinder and the steps to procure the retraction must be taken within two weeks of the delivery of this report to Management of the Ghana School of Law.



- xiii. The cost of sponsoring Albert Obidiaba to Uganda should be fully refunded to the SRC by Wonder Victor Kutor who unilaterally selected Albert Obidiaba for the trip.
- xiv. The audit should ascertain the amount of money received as sponsorship and how it has been disbursed and whether any sponsorship funds have been diverted or misapplied.
- xv. The audit should also establish how much many has been spent on scholarships, book grants and related awards, the sources of those funds and whether there has been misappropriation of any funds designated for scholarships.
- xvi. Disbursements made from the SRC account should be monitored and regulated by the Registrar as a signatory to the account.
- xvii. The SRC must have a clear policy on sponsorships that emphasises among others the fact that sponsorships raised in the name of the SRC belong to the SRC and must be paid into its accounts and disbursed in accordance with the dictates of its Constitution.
- xviii. The SRC Constitution should be reviewed and amended where necessary to ensure that the SRC President does not operate like an executive president.
- xix. The SRC Constitution should be reviewed to limit the President's autonomy and sidelining of other SRC executives and to provide for specific terms of reference and eligibility criteria for the committees.
- xx. The Student's Handbook and Code of Conduct (also known as "the Green Book"), should be harmonised and a Code of Ethics should be incorporated which will provide guidance on declaration of interests, dealing with conflict of interest among others.
- xxi. The Ghana School of Law must have a Whistleblowing policy to engender a culture of exposing wrongdoing without fear of retribution.
- xxii. Leadership training and/or orientation should be done for newly sworn in SRC Executives.
- xxiii. Being cognisant of its mandate as a fact-finding Committee, the Committee recommends that the requisite statutory processes are triggered for the appropriate bodies to follow due process to remove Wonder Victor Kutor as SRC President if his tenure has not ended, and to apply all other necessary disciplinary sanctions in respect of Wonder Victor Kutor's breach of his fiduciary duties and presidential oath and proven lack of good character.

