

**COLLABORATION IN THE FIGHT  
AGAINST CORRUPTION**

***ARE THE UNCAC, OECD CONVENTION  
WORKING: THE MAYBEY AND  
JOHNSON CASE***

**BY**

**VITUS A. AZEEM**

**GHANA INTEGRITY INITIATIVE  
LOCAL CHAPTER OF TRANSPARENCY  
INTERNATIONAL**

# THE CASE



- *M & J is a bridge construction company that was awarded contracts by a number of developing countries in the 1990s;*
- *Allegations of bribery of public officials in developing countries made in the UK against M & J*
- *SFO in the UK investigates the case of alleged bribery of public officials by these countries;*
- *Based on its findings SFO prosecutes the case*

# THE CASE



- *Judgement given against company & some board members*
- *Ghana mentioned as one of the countries in which M & J paid the bribes*
- *Some Ghanaian public officials currently holding public office mentioned as alleged beneficiaries*
- *Ghana is awarded compensation for the loss*
- *Denials on air by some of these officials*
- *Media debate and calls for investigations*

# THE ROLE OF THE GOVERNMENT

- *The President asks Attorney-General to visit the UK to get more information about case*
- *He was criticised for this but the A-G goes to the UK all the same*
- *Information could have been obtained without any visit to the UK*
- *Also, suspicion that this was an attempt to interfere with the case*
- *On return, two public officials pressured to resign*

# THE ROLE OF MEDIA AND CIVIL SOCIETY

- *More pressure from Media & Opposition parties*
- *GACC issues press statement supported by GII and other civil society organizations calling for investigations by independent body based on:*
  - *The alleged bribery took place when the current ruling party was in power in the 1990s*
  - *So fear of government attempts to kill the case*

# GOVERNMENT ACTS

- *Government asks Commission for Human Rights and Administrative Justice (CHRAJ), which also has an anti-corruption mandate, to investigate the allegations;*
- *CHRAJ is a constitutional body, which is independent of the Executive*
- *Thus, the President & the ruling party appear to have exonerated themselves from being accused of interfering with the case*
- *But, three other accused persons still holding public office*

# THE ROLE OF PARLIAMENT



- ??? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?
- ??? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?
- Parliament remains silent throughout
- Could have called A-G to answer questions!  
But No!
- Underplays its oversight role?
- ?????? ? ? ? ?

# THE ROLE OF THE JUDICIARY



- *Accused persons go to court to restrain CHRAJ from investigating on technical grounds –*
  - *Mandate of CHRAJ questioned – one not in public office*
  - *CHRAJ commissioner had made prejudicial comments on case on air*
  - *One accused person also goes to court to force the investigation to proceed, claiming to be innocent.*
- **The Judiciary is independent but often accused of being corrupt and politically biased**



# THE OUTCOME OF THE CASE



- *One case requires a Supreme Court interpretation of the Constitution*
- *Delays in determination of two of these court cases*
  - *Case successfully stalled for now though not yet determined – pace of case worrying.*
- *Silence from both opposition and civil society awaiting judgement from courts, ensuring its independence*

# IMPORTANT ISSUES

- *The UK SFO took up the matter although the UK loses nothing – commitment to OECD convention?*
- *The UK SFO also cooperated and provided all necessary information to Ghana*
- *Important to note also that Government has not directly stopped investigations*
- *Government silent about the status of compensation probably because the allegations took place when ruling party was in power then – beneficiaries?*
- *Government and Party embarrassed - politicisation of corruption*
- *Recent complaints about the Judiciary being corrupt and politically biased – delays? Any influence?*

**THANK YOU**



**THANK YOU FOR YOUR ATTENTION**