

THE FAMILY OF KEN OFORI-ATTA

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PRESS RELEASE

ABUSE OF ADMINISTRATIVE POWERS BY OFFICE OF THE SPECIAL PROSECUTOR IN THE MATTER OF KENNETH OFORI-ATTA

We, the family of Mr. Kenneth Ofori-Atta, have chosen to make this public statement due to the actions of the Office of the Special Prosecutor (OSP) on 2 June. We also call for the withdrawal of the INTERPOL Red Notice and have applied to the National Central Bureau and the Commission for the Control of INTERPOL's Files for deletion of the Red Notice.

We cite:

1. Deliberate suppression and manipulation of evidence by the OSP;
2. Violation of Human Rights, example right to health;
3. Disregard of judicial proceedings and denial of due process;
4. Breach of administrative justice

The Public deserves to know that:

After the fact of the unlawful declaration of Hon. Ofori-Atta by MEDIA BRIEFING as a wanted person and fugitive from justice, it came to light that the OSP may have manipulated evidence to procure an Arrest Warrant dated 11th February 2025. To date, the OSP has no charge stated against Mr. Ofori-Atta apart from what is stated on the Arrest Warrant as "Using Public office for private profit". The Arrest Warrant was procured under unusual circumstances. The court records are not clear as to how the OSP secured the Arrest Warrant without a filed affidavit, which is a matter pending in court for which the INTERPOL office at the Ghana Police Service had been served.

Following the unlawful declaration in February, the OSP was taken to the Human Rights court in the matter of Kenneth Ofori- Atta v OSP primarily for using a Media Briefing to declare Mr. Ofori-Atta wanted, a power not sanctioned by law. This had led to the violation of his human rights, particularly, his personal liberty, freedom of movement and his right to health, all protected by the Constitution and International Human Right Instruments to which Ghana is a party.

The OSP has disregarded the ongoing proceedings in the Human Rights Court of Ghana, in which a Ruling is scheduled for 18th June, by contemptuously repeating the declaration of Mr. Ofori-Atta as a Wanted person even though Mr. Ofori-Atta was ready for a Video Recorded Interview while attending to his health to allow the OSP to elicit a Cautioned Statement until he is fit to return to Ghana.

These actions of cooperation and openness from Mr. Ofori-Atta do not reflect the conduct of a man running away from the law, but a person embracing it to assert his innocence.

The actions of the OSP on 2 June, which defy all norms and denigrate the stature of the office, denies knowledge of Hon Ofori-Atta's health condition. The rescheduling of the interview date from 10th February to the 2nd of June was founded on health grounds as disclosed by a letter from Mayo Clinic for a surgical procedure – a biopsy scheduled for 21st March 2025. The request for the Video Recorded Interview (VRI) was based on the update on his surgical procedure that had revealed cancer for which another surgery had been scheduled for 13th June 2025. Fairness and Reasonableness in the exercise of administrative power required that these matters be taken into consideration in deciding whether to accept the option of the VRI as against that of the Special Prosecutor flying to the US to interview Mr. Ofori-Atta or to wait for Mr. Ofori-Atta to finish his surgery and recovery and return to Ghana for an in-person interview to be conducted in the offices of the OSP. The OSP's actions do not therefore reflect standards of fairness and reasonableness required of a special prosecutor by the rules of Administrative Justice enshrined in the Constitution.

The re-posting of the Wanted Poster was a premeditated theatrical stunt—a public lynching to portray a man, scheduled for cancer surgery, as a fugitive from justice. This man supposedly running from justice, has made all documents available to the office, and offered to participate virtually for the OSP to get a Cautioned Statement. He had promised to be in Ghana latest by 30th May 2025. On the 28th of May he directly notified the OSP that the results of the March 21st procedure confirmed that he had cancer and as such had been scheduled for surgery on June 13th 2025, which records his lawyers offered to share with the OSP. Is Mr. Ofori-Atta running? Hon. Ken Ofori-Atta does not run from justice but always meets justice and successfully defends himself; from CHRAJ investigations to PARLIAMENT censure, he stood firm, defended his actions and was acquitted, in full view of our entire nation.

The Special Prosecutor's actions fit into the definition of Vendetta for making the destruction of life a sport for political audiences. The facts are as follows:

* On 18th of February 2025, OSP agreed with Mr. Ofori-Atta who had not been charged with any offense to have an in-person meeting for interview in the offices of the OSP on 2nd June 2025.

* On May 27th 2025, the Human Rights Court was informed that Mr. Ofori-Atta would have surgery as per his doctor's letter dated 14th of May 2025 and the OSP was served a copy of this court process.

*Again on May 28th 2025, OSP was informed that Mr. Ofori-Atta would have surgery on June 13, 2025, to treat diagnosed cancer at the Mayo Clinic in Rochester MN, following his biopsy on March 21 at the same institution.

* The surgery is taking place at the Mayo Clinic, where Mr. Ofori-Atta had been treated since February 2021 as he recovered from Post-COVID Multi System Inflammatory Syndrome (a Mayo Clinic diagnosis).

* So as not to delay the OSP's investigations, Mr. Ofori-Atta requested that the OSP provide Mr. Ofori-Atta with an option of a Video Recorded Interview, as permitted under law and indeed is cheaper than other options exercised in other cases by the OSP recently in interviews.

* That cooperation was denied in writing by an OSP letter served on 2nd June 2025 though dated 30th May 2025. The OSP deliberately ignored the doctor's diagnosis and accompanying chronology of health challenges. The OSP said; "The OSP declines your offer of video recorded interview for the purpose of eliciting your caution statement. This Office has always insisted on your personal attendance, and we have indicated clearly that we are unwilling to waive it."

* Was this unwillingness meeting the test of fairness and reasonableness, after a confirmation of cancer, or it was fitting the colour of capriciousness?

* On June 2nd, the OSP convened a third press conference informing the people of Ghana and the world that Mr. Ofori-Atta was again a Wanted Man fleeing justice. The OSP claimed at the Conference and subsequently on a social media post, that there was no medical validation that Mr. Ofori-Atta was ill. This was a deliberate concealment of fact by the OSP.

* On the 3rd of June, a concurrent suit against the OSP was filed in addition to the suit filed on March 13th 2025 to challenge the validity of the Arrest Warrant of 12th February 2025

Mr. Ofori-Atta's legal team are now enquiring from the Commission for the Control of INTERPOL's Files (CCF) whether:

- a. these suits to the Human Rights Court,
- b. the scheduled hearing of June 18th,
- c. the Mayo doctors' letters and reports, and
- d. the scheduled cancer surgery

were disclosed to INTERPOL in the OSP, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Interior and Inspector General Police (IGP) pursuit of the Red Notice. Had these been disclosed we posit the filing would have violated articles 2 and 3 of INTERPOL's constitution: right to health (guaranteed by the Universal Declaration of Human Rights).

We remain perplexed by the OSP's refusal over the past 3 months to accept Mr. Ofori-Atta's proposal to provide information via written responses and/or VRI. Rather than focusing on it's investigations, the OSP is more interested in forcing Mr. Ofori-Atta to return to Ghana. It is hard to imagine that this is for any other reason than to attempt to humiliate Mr. Ofori-Atta on arrival.

In summary, the missteps of the OSP in handling the Ken Ofori- Atta affair include:

1. Use of office for vendetta and political persecution.

2. Deliberate suppression of evidence.
3. Denial of institutional flexibility to permit compliance with orders.
4. Disregard of adherence to due process of law, and to Ghana's Constitution.
5. Breach of professional ethics.
6. Unlawful declaration of Mr. Ofori-Atta as a fugitive from justice by Media Briefing
7. Refusal to be bound by the regulatory framework in exercising its investigative powers in the performance of its investigative functions.
8. Violation of the Applicant's human rights as a consequence of the OSP's disregard of limits of its power.

We would like to further reiterate that since his appointment as Minister for Finance in 2017, Kenneth Ofori-Atta has consistently demonstrated transparency and respect in response to all legal inquiries and state investigations including Parliamentary Censure. In each instance, the allegations have been thoroughly examined and unequivocally disproven. This includes cases adjudicated by CHRAJ, the ECOWAS Court of Justice and the Parliament of Ghana. Throughout these proceedings, Mr. Ofori-Atta remained engaged and transparent with the relevant authorities. His longstanding history of openness and cooperation underscores his commitment to upholding the highest standards of integrity. Any claims suggesting that Mr. Ofori-Atta is fleeing justice are out of character, preposterous and simply not true.

Once Mr. Ofori-Atta's surgical procedure is over and the necessary treatment and recuperation has taken place, he will return to Ghana at the appropriate time and meet with the OSP in-person. We are confident that Mr Ofori-Atta's rights will be restored and when these investigations are completed, he will be acquitted in full view of our entire nation and justice will find the Hamans.

Signed

The Family of Ken Ofori-Atta