

White Paper on the Wuaku Commission Report

The following is the full text of the White Paper issued by the government on Monday, December 23 on the Wuaku Commission Report.

WHITE PAPER ON THE REPORT OF THE COMMISSION OF INQUIRY INTO THE YENDI DISTURBANCES OF 25TH TO 27TH MARCH 2002.

1. APPOINTMENT OF THE COMMISSION ON INQUIRY

In exercise of the powers conferred on him under Article 278(1) of the Constitution, the President of the Republic, H.E. John Agyekum Kufuor, by Constitutional Instrument, 2002 (C.I. 36), appointed, on 25th April, 2002, a Commission of Inquiry to investigate the tragic disturbances which occurred in Yendi between 25th and 27th March, 2002, resulting in some thirty deaths, considerable injuries to several persons and extensive damage to properties.

It, also, unhappily, claimed the life of the Overlord of Dagbon, the late Ya-Na, Yakubu Andani II. Further to these disturbances, the President of the Republic, on 27th March, 2002, imposed, pursuant to the provisions of the Emergency Powers Act, 1994, Act 472, a State Emergency with respect to the Dagbon Traditional Area, which is still in force with the support of Parliament and which has helped preserve the peace.

The Commission was composed of: Mr. Justice I.N.K. Wuaku, Retired Justice of the Supreme Court – Chairman, Professor Kwesi Yankah, University of Ghana – Member and Mrs. Florence Brew, Educationist- Member

2. TERMS OF REFERENCE

The Commission was established:

- (a) to make a full, faithful and impartial inquiry into the circumstances of and establish the facts leading to the events and the resultant deaths and injuries in Yendi in the Dagbon Traditional Area of the Northern Region between 25th and 27th March, 2002;
- (b) to identify those responsible for the events and resultant deaths and injuries of persons and to recommend appropriate sanctions or actions against any person found to have caused, been responsible for or been involved in the violence and the resultant deaths and injuries;
- (c) to inquire into any matter which the Commission considers incidental or reasonably related to the events and the resultant deaths and injuries; and
- (d) to submit within one month its report to the President giving reasons for its findings and recommendations.

3. PRESENTATION OF REPORT

The Commission began sitting on 29th May 2002. The period within, which the Commission was to have initially presented its Report, was subsequently extended upon application by the Commission. The Commission finally presented its Report to H.E. the President on 6th November 2002.

4. THE FINDINGS AND RECOMMENDATIONS

The Commission, prior to its sittings, was given a briefing by the Special Investigation Police Team that was investigating the killings and violence before the establishment of the Commission. It visited Yendi "to familiarise itself with the terrain," and held a series of both public and in camera sittings, in which it heard 108 witnesses over a period of 4 months. The Report, prepared in two months, is the result of these extensive activities.

Government commends the Commission for the energy and dispatch with which it has discharged its onerous functions, involving the investigation of these complex, highly charged events of great local and national sensitivity. It is the hope of Government that the Commission's work will help promote the process of reconciliation, which is so urgently required in Dagbon.

The Report, in responding to the Commission's terms of reference, has defined the historic as well as the immediate causes of the conflagration, which it described as "the three-day war". The first, and perhaps most significant, of its conclusions, states: "That the remote cause of the disturbances in Yendi is the longstanding chieftaincy dispute between the Andani and the Abudu Gates, including the non-observance of the funeral of the late Mahammadu Abdulai IV."

It further defined the illegal stockpiling of arms by both Gates and the hasty lifting of the curfew and the ban on the celebration of the Bugum Festival by the then Regional Minister as other contributory factors to the eruption of violence. It found that "with the stage virtually set for the outbreak of violence, any trivial incident could have sparked a war, and destabilized Dagbon."

The Commission found that the immediate cause, 'the trivial incident', was, in its words, "an attack on Ziblim Abdulai by Abudu youths in the morning of 25th March, 2002 (which) infuriated some Andani youths who armed themselves and fired shots in the direction of the Abudus. Indeed, the first casualty in the exchanges was an Abudu-Abdulai Issahaku a.k.a. 'Who Born You.' He was shot by unidentified companions of Mutaru."

Thus, the tragedy ensued, on which the Commission made its basic finding: "Having considered the totality of evidence before the Commission, we have come to the conclusion that the events that took place in Yendi on 25th, 26th, and 27th March, 2002 were criminal acts of an act of war fought between two Gates for which individuals from both Gates are blameable."

The Commission has identified the alleged killers of the late Ya-Na and recommended their arrest and prosecution for his murder. It has also recommended the prosecution of several other individuals for their alleged complicity in various other offences, to wit, conspiracy to murder, attempted murder, causing unlawful damage, assault, 'arson' (i.e. Causing unlawful damage to property), illegal possession of weapons, and unlawful military training.

It has recommended specific measures against some public officials involved in the crisis for dereliction of duty such as the then Regional Minister, Prince Imoru Andani, the Yendi District Chief Executive, Mohamed Habib Tijani, and some security officials. It has also exonerated the then Minister for the Interior, Hon. Alhaji Malik Yakubu Alhassan, MP, the then National Security Advisor, Lt.-Gen. Joshua Mahamadu Hamidu, Major (Rtd.) Sulemana Abubakar and Alhaji Mohammed Aminu Amadu from any complicity in the disturbances and killing of the Ya-Na. The Bolin Lana, Mahammadu Abdulai, the head of the Abudus in Yendi, has also, equally, been exonerated by the Commission of any involvement in the disturbances and killing of the Ya-Na.

The Commission has also made several recommendations to address the security lapses that the disturbances exposed and to promote the process of genuine reconciliation, including the need to ensure as a matter of urgency that the funeral of Mahammadu Abdulai, the former Ya-Na who died in 1988, is performed in accordance with Dagbon custom. In the same vein, the

Commission recommends that the body of the late Ya-Na Yakubu Andani II, currently at Yendi Government Hospital, should be properly preserved until it is buried according to custom.

Government accepts the general findings and recommendations of the Commission and many of its specific findings and recommendations. The principal recommendation is that Yidana Sugri and Iddrisu Gyamfo, who were seen on 27th March holding severed parts of the late Ya-Na, Yakubu Andani II, soon after his killing and "who should be presumed to have killed the Ya-Na," should be prosecuted for murder. Government has already acted upon this recommendation.

At the instance of the Attorney General, criminal proceedings have been initiated against the two on charges of murder of the late Ya-Na. They have been remanded in prison custody pending trial.

As far as the other specific recommendations are concerned, the Attorney General will issue instructions to the Police to use the evidence before the Commission and its findings as the basis for further investigation and appropriate action. It will be necessary, for instance, in the case of the recommendation for the prosecution of Iddrisu Iddi, 'Mbadugu', the former Zalinko Lana, Shani Moro and Mahamadu Abdulai for conspiracy to murder, to undertake further investigation. Iddrisu Iddi is so implicated because it was to him that Iddrisu Gyamfo presented the decapitated head of the Ya-Na, and the other two because of evidence that they pulled the body of the Ya-Na to the kraal before it was burnt. Further investigations are necessary in this area, and the Police will be so instructed.

Government finds the position of the Commission on the treatment of Ibrahim Mahama somewhat surprising and contradictory. Ibrahim Mahama, a well-known Tamale lawyer and politician, is by common consent one of the major players on the Dagbon scene.

Having found as a fact that "he recruited and sponsored warriors for the Ya-Na, and that he tried to influence a witness to give evidence in favour of the Andani Gate," the Commission recommends merely that his conduct should be reported to the General Legal Council for necessary action for suborning witnesses.

Having regard to the recommendation that the availability in the area of "several sophisticated weapons (AK 47, G3 etc.) discovered after the March crisis, and the evidence of the existence of training camps for weapon handling" "should alarm Government," Government is at a loss to appreciate why a potential suspect in the creation of such training camps should have been so lightly treated.

Government has directed that his conduct be the subject of further investigations by the Police for appropriate legal action to be considered.

Government has taken note of the Commission's recommendation that the former Regional Minister, Prince Imoru Andani, who, under pressure from the late Ya-Na, Yakubu Andani II, lifted the curfew and the ban on the celebration of the Bugum Festival, and thus set the scene for the carnage, should be charged with "criminal negligence". Even though his conduct merits censure and a reprimand, Government is unable to accept the recommendation since there is no evidence that his conduct was motivated by ill-will or any sinister design.

In any event, the offence of "criminal negligence" is unknown to our law. In the circumstances, Government will decide on appropriate action in his regard.

Again, even though his conduct was the subject of vivid commendation, the Commission has recommended the transfer of the Yendi District Chief Executive, Mohammed Habib Tijani, "due to the mistrust his role in the conflict, however well-intentioned, has engendered among certain

groups of people under his jurisdiction." Government is of the view that Mohammed Habib Tijani, as the Commission itself found, displayed exceptional leadership qualities during the crisis and, with the Commission's caution in mind, will make an appropriate decision in his regard.

Government has also taken note of the Commission's findings on the operations of Ghana Telecom in Yendi during the crisis and has directed that copies of these findings be furnished the management of Ghana Telecom for their review and possible action.

Government finds generally acceptable the Commission's recommendations on the measures needed to improve the performance of the security agencies in emergency situations. It takes particular note of the finding that "during the three-day war, key state agencies and utility systems whose optimal functioning could have contained the situation and saved lives and property either malfunctioned or were in a state of disrepair."

This, in Government's view, is the heart of the matter - the degradation of the capabilities of the security forces in the last decade. The resourcing, equipping and strengthening of the security agencies and utility systems are central to the Government's programme for the advancement of social peace and national stability. Government will continue to do its maximum in that regard.

Government has taken due note of the recommendation that it "should as a matter of urgency vigorously implement regulations governing the importation, use and manufacture of firearms in the country" and further that an intense exercise aimed at retrieval of unlicensed arms in the Dagbon area should be launched. Both these recommendations find full favour with Government, which will so act.

Government accepts the Commission's finding that there is no evidence implicating any of the senior members of Government who were wildly accused of complicity in these unhappy events.

On the contrary, the then Minister for the Interior, Hon. Alhaji Malik Alhassan Yakubu, MP for Yendi, one of those most loudly accused, has been expressly commended by the Commission for the speed and timeliness of his interventions in the crisis.

The most poignant of the Commission's recommendations is its last. "Government should make conscious efforts to reconcile the two royal gates of Dagbon."

This appeal reinforces Government in its determination to pursue the goal of reconciliation as the only permanent solution to the Dagbon crisis. It is Government's fervent hope that, with the publication of the Report and this White Paper thereon, all persons of goodwill, especially in the Dagbon area, will join hands with Government to bring about reconciliation in Dagbon and the restoration of peace and harmony to that troubled part of our nation. Government will not slacken or relax its efforts, which will continue in conditions of scrupulous respect for the rule of law and due process.