



PRESS RELEASE

INDEPENDENT INVESTIGATIONS MUST BE CONDUCTED INTO THE KILLING OF ALBERT DONKOR

Accra, Tuesday May 17, 2022-

The Commonwealth Human Rights Initiative (CHRI) Africa Office's attention has been drawn to news reports of the unfortunate death of one Albert Donkor, a resident of Nkoranza in the Nkoranza South District of the Bono East Region, whiles in the custody of the Ghana Police. According to reports, Albert who is a 27-year trader, was picked up by the Police from his home in the early hours of the morning on April 24, 2022, on suspicion of being involved in an armed robbery, despite protests from his mother. However, according to the reports residents and his family rather suggest that he may have been killed because he witnessed some Police Officers involved in the said robbery attempt and in a bid to eliminate any opportunity to implicate the said Officers, Albert was killed. Following his death, it took the Police three weeks to inform family of his demise and even that was after persistent demands that took the family from Nkoranza, to Techiman, to Accra.

We find these events unsettling because the **right to life, the right to personal liberty and the right to fair trial** are rights guaranteed under Chapter Five of Ghana's 1992 Constitution and Article 15 (1) and (2) of the 1992 Constitution which provide in no uncertain terms for the respect for human dignity as follows:

(15) (1) "The dignity of all persons shall be inviolable., (2) No person shall, whether or not he is arrested, restricted or detained, be subjected to— (a) torture or other cruel, inhuman or degrading treatment or punishment; (b) any other condition that detracts or is likely to detract from his dignity and worth as a human being.

Private citizens who are arrested have the right to a fair trial, right to life and due process must be followed to bring them to justice. Summary execution or killing is not part of Ghana's democratic practice and certainly not an acceptable process in democratic and rights-centered Policing.

As a democratic country which has signed unto international human rights protocols and standards such as the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples Rights (ACHPR) and so on, the state has a duty to uphold and protect the Human Rights of all persons and ensure that the security agencies operate according to law, due process and internationally held standards.

Specifically, the African Charter on Human and Peoples' Rights (ACHPR) in Article 5 calls for respect of the dignity inherent in a human being and the recognition of his legal status and the

prohibition of all forms of torture, cruel, inhuman or degrading punishment. The Universal Declaration of Human Rights (UDHR) in Article 5 also expressly abhors torture. Similarly, the International Covenant on Civil and Political Rights (ICCPR) in Article 7 also condemns torture while The Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa (Luanda Guidelines) demands that the State must always endeavour to promptly take steps to prohibit and prevent torture.

In light of the above, CHRI demands that the State should set up an independent body to investigate the death of Albert Donkor and the outcome of the investigation should be made public, the police officers found culpable should be prosecuted and duly punished, and adequate compensation should be paid to the family of Albert Donkor. The duty of the State of Ghana to investigate the circumstances of Albert's death is both an affirmative procedural duty under international human rights law and further derives from the right of Albert's family to a remedy and an effective one at that. As a State that prides itself in upholding human rights, the obligation to ensure that justice is served for Albert Donkor, at the very least, should be fulfilled.

CHRI uses this opportunity to call on the Executive, Parliament and the Ministry of Interior (the sector Ministry) to urgently establish an **Independent Police Complaints Commission (IPCC)** for Ghana which would investigate such issues independently and not rely on the Ghana Police's own internal investigations, which are hardly made public. Despite the consistent advocacy for the establishment of an IPCC since 2014, resulting in the development and submission of a framework in 2019 to the Minister of Interior, no action has been taken to establish the institution. The continued inaction on the part of the State to put in place the IPCC emboldens rogue elements in the Ghana Police Service to engage in such unfortunate and dastardly acts. The Government of Ghana is under a duty pursuant to the 1992 Constitution and the State's international human rights commitments to give effect to human rights and justice by establishing such measures as the IPCC. There could be no sooner time to do this than now to prevent another needless death especially in light of recent similar incidents of reported deaths in police custody.

Accordingly, CHRI calls upon the Government to:

- Undertake an impartial investigation into the circumstances leading to the death of Albert Donkor;
- Ensure that Officers involved in the killing of Albert Donkor are brought to justice and made to face the full rigour of Police disciplinary measures and criminal prosecution;
- Provide the family of Albert Donkor with the necessary psycho-social support to enable them cope with the traumatic event that has occurred; and
- Ensure that the Ghana Police Service rigorously enforce its internal rules on requiring Officers to maintain the highest standards of democratic policing, which demands a human-rights approach to pre and post-arrest processes.

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