

## PETITION TO THE ATTORNEY-GENERAL OVER THE FILING OF NOLLE PROSEQUI IN THE CASE OF EU HUANG ET AL

This petition by the Media Coalition Against Galamsey (MCAG) and its partners is brought pursuant to a filing of Nolle Prosequi in the case involving En Huang, Gao Jin Cheng, Lu Qi Ju, Haibin Gao and Zhang Zhipeng and the Republic.

The fight against illegal mining requires collective efforts of all. One of the challenges inhibiting the success of the fight against illegal mining has been the somewhat halfhearted prosecution of offenders. When Ghanaians see this, in addition to long delays in trial, obvious disinterestedness in trying the accused persons and the imposition of farcical sentences, the nation loses a critical element in winning the minds and hearts of Ghanaians.

In the President's encounter with Media on the 19<sup>th</sup> of December 2018, he said *"I cannot, and will not, give up on the fight to protect our environment. I entreat the media and all well-intentioned Ghanaians to continue to join the fight to protect our lands and water bodies."*

Yet, we recall that when this case first started, the accused persons were charged with some simple immigration offences. It had to take the vigilance of the media and a petition from a partner of the MCAG, OccupyGhana, for the proper charges of illegal mining to be laid.

We do not subscribe to the view that by our laws the Attorney-General's power to issue Nolle prosequis is based on an absolute, unquestioned discretion, so that she is not expected to provide explanation for such a filing. On the contrary, we believe that any such alleged absolute discretion is completely removed by article 296 of the Constitution. Thus the Attorney-General may be called upon, particularly when the matter is one of extreme public interest, such as this case, to offer a clear explanation as to why she became disinterested, and particularly on a day that the Investigator in the

case, Assistant Superintendent of Police (ASP) Charles Asaba, was supposed to continue his evidence.

It is important that the state does not send the wrong signals to the various stakeholders that:

- For the foreigners – that the punishment for desecrating our lands, polluting our waters and stealing our natural resources is mere deportation back to your home country to enjoy whatever you might have succeeded to siphon there through illegal mining in Ghana;
- For Operation Vanguard, Inter Ministerial Committee Against Illegal Mining Task Force, Small Scale Miners Task Force, Media and other well meaning Ghanaians who have to provide intelligence and whistle blow – that the State is not interested in prosecuting foreigners, a very demoralizing state of affairs;
- For Ghanaians in general that there may be some vested interests with power to prevent the prosecution of some people while the ordinary Ghanaian is punished for committing less grievous galamsey related crimes.

We, the undersigned, members of the Media Coalition Against Galamsey and our partners, are concerned citizens and humbly petition you the Hon. Attorney-General to offer an explanation for the Nolle Prosequi filed.