



REPUBLIC OF GHANA

OFFICE OF THE
ATTORNEY-GENERAL
AND MINISTRY OF JUSTICE

P. O. Box MB 60, Ministries, Accra
Digital Address: GA-110-0587
Tel: +233 302 665 051
My Ref: GR/PD/274/23
Your Ref: CID/AR.280/2023/2
Date: 31st July 2023

REPUBLIC

VRS

- 1. PATIENCE BOTWE**
- 2. SARAH AGYEI**
- 3. BENJAMIN SOWAH**
- 4. KWAKU BOTWE**
- 5. MALIK DAUDA**

We refer to your letter with reference number CID/AR.280/2023/2 dated 24th July 2023, forwarding a duplicate docket on the abovementioned case for our study and advice.

Facts of case

The essential facts of the case are that, complainants Daniel Osei Kuffour, an Architect and Cecilia Abena Dapaah, a former Minister of Sanitation and Water Resources are husband and wife who live at Abelemkpe in Accra. The 1st and 2nd accused are former house helps of the complainants. The 3rd accused is a boyfriend to the 1st accused. The 4th accused is the father of the 1st accused whilst the 5th accused is also a boyfriend/former boyfriend to the 1st accused and an employee of Daniel Osei Kuffour.

On 6th October 2022, Daniel Osei Kuffour who had left his house at about 7:30 am on a planned trip to Akyem Oda returned home unexpectedly after the trip had been canceled. When he entered his house, he was alarmed by an unusual noise in the house from the direction of the bedroom of the couple. As he walked towards their bedroom, he noticed that the door to the bedroom was opened. He did not find anyone in the bedroom but he noticed that the door to a store room in the bedroom was also opened. When he entered the store room, he saw the 1st accused hiding behind the door. The accused could not offer any explanation for her presence in the room. With the assistance of his driver and the policeman on duty in the house, they arrested the 1st accused and sent her to the Tesano Police Station. He later realized that five different men's suits valued at \$500 each and

five pieces of Kente cloth valued at GHC15,000 each had been stolen. He called his wife who had travelled to Kumasi to inform her of the incident.

Cecilia Abena Dapaah returned to Accra on 10th October 2022 to find that their bedroom had been ransacked. In a statement to the police on 4th July 2023, she stated that it took her a couple of days to arrange the things in the room and find out the items which had been lost. After going through her things she found a number of personal items including those of her deceased brother missing. The personal items included a collection of jewelry she had kept for about 35 years totaling \$95,000, various types of Kente cloth, Hollandaise and GTP cloths with a total value of about GHS56,000, dresses valued at about GHS20,000, various types of handbags, totaling \$35,500 and different types of perfumes valued at \$1400. She also found that they had lost a bag containing about \$200,000, another bag containing €300,000, an amount of GHS300,000 contribution for her Mother's funeral, GHS50,000 for the house and a box containing about \$800,000 belonging to her deceased brother which was sent to her together with some regalia for safe keeping, following the death of her brother. She did not indicate who the \$200,000 and the €300,000 belonged to.

Henry Osei Kwabena, brother of Cecilia Abena Dapaah, also gave a statement to the police on 4th July 2023. He told the police that his younger brother Nana Akwasi Essan II, Numuahene to Otumfuo Osei Tutu II died in January 2022. His office was opened after his demise and a box containing \$800,000 was retrieved from the office. His mother asked him to send the box of money to his sister Abena Dapaah for safe keeping. According to him, his mother added some gold regalia belonging to his late brother to the money and he brought the money and regalia to his sister in Accra for safe keeping. He was informed by his sister in October 2022 that the money and regalia together with a number of items had been stolen from her home.

Esther Koranteng is a caretaker in the house of the complainants. He told the police that she was at home in the morning of 6th October 2022 when she received a call from the 1st accused asking her to go and buy her medicine from Awoshie. Since the complainant had warned the 1st accused not to come to the house again, she asked the 1st accused to meet her at the entrance of the house with the money. The accused however entered the house without calling her. She took the money from her and picked a vehicle in front of the house leaving the accused at the entrance of the house. She was at Awoshie when she received a call from the complainant to rush home since there was an incident in the house. She got home to hear that the 1st accused was found in the bedroom of the complainants. The accused was arrested and sent to the Tesano Police station.

Examination of the docket

There is nothing in the docket on the complaint made by Daniel Osei Kuffour or any member of the household at the Tesano Police Station. Neither is there any information on the arrest of the 1st accused by the Tesano Police nor any investigation conducted at that stage. There is however evidence of an arrest warrant against the 1st accused.

On 27th June 2023, the 1st and 3rd accused were arrested in Tamale by the police upon a tipoff. The accused persons were found in a fully furnished four-bedroom apartment rented by the 1st accused. The police retrieved \$10,000, GHS7,619.70, a Honda Civic salon car with registration number GE9771-23, an unregistered Hyundai Elantra salon car, seven ladies handbags, two HP laptop computers, and 32 inch Samsung television set and a home theatre system from the apartment. The accused were handed over to the police in Accra. On 1st July 2023, the 1st accused led the police to a three-bedroom house at Amrahia which she bought for \$70,000. The police retrieved a number of items from the house which was fully furnished including an amount of \$30,000 and GHS65,000 found in a wardrobe in the house. Bernard Appaw has confirmed that he sold the house to the 1st accused through an agent.

The 1st accused offered one cautioned statement and two charge statements to the police. In the statements to the police, the 1st accused stated, inter-alia that, she dropped out of school in JHS 3 after she was impregnated by the 5th accused. After her delivery, the 5th accused introduced her to the complainants who were looking for a house help. She was engaged as a house help in February 2022 to sweep the compound and wash dishes in the house three times a week. She was however not sleeping in the house. The accused stated that she worked in the house with the 2nd accused whose duties included cleaning the complainants' bedroom. According to the 1st accused, the 2nd accused informed her there was plenty of money in the complainants' bedroom and showed her where to find the money. She said the 2nd accused also gave her two keys to the bedroom and store room and asked her to duplicate the keys to enable her access the complainants' bedroom and store room. The 1st accused confessed to stealing money from the complainants' room with the 2nd accused on different occasions. She stated that she took a total of \$200,000 and GHS200,000 from the store room. She further stated that the 2nd accused gave her GHS100,000 to be given to the 5th accused and she also gave the 5th accused GHS 5000 to enable him to procure a passport for himself. She told the police that when the 5th accused enquired about the source of the money, they told him they stole the money from the complainants. On 6th October 2022, she had gone into the bedroom in the absence of the complainants and the caretaker to look for more money when she was found by Mr. Osei Kuffour. She denied ever taking clothing and jewelry.

On what she had used the money for, she stated that she traveled to Tamale with the 4th accused and rented a four-bedroom apartment in Tamale for GHS4400 a month and paid for two years. She also, rented a store at Tamale for GHS1800 a month for two years. She paid a total of GHS148,800 for the apartment and store in Tamale. She gave the 4th accused who is her father GHS50,000, and gave her sister Lariba Ali GHS20,000. She gave the 3rd accused GHS150,000 to buy a car, which he bought and registered in her name. She also gave the 3rd accused GHS 180,000.00 to buy another car, which was bought but had not yet been registered. She further stated that she bought a house at Amrahia for \$70,000 and furnished the house. She could however not remember the cost of the items she bought for the house.

In her statement to the police, the 2nd accused denied taking any money from the complainants' room. She claimed that the 1st accused gave her a total of GHS400,000 which the 1st accused said had been given to her by a white man she had been chatting with. She used GHS14,000 to purchase a parcel of land at Kasoa Biakoye and used the remaining amount to build a three bedroom house on the land. The police however found another building at Blue Rose Estate in Budumburam-Kasoa which was allegedly bought by the 2nd accused. Even though the 2nd accused claims she has only rented the house, there is some evidence in the docket to suggest that she bought the house. A search in that house revealed two red empty jewelry boxes belonging to the complainant. Some cloths were also found in the house she built. Eshun Joseph Kwame who was contracted by the 2nd accused to do electrical works on her building told the police that the 2nd accused occasionally sought his assistance to count money ranging between GHS5000 and GHS90,000.

Benjamin Sowah, the 3rd accused is a boyfriend to the 1st accused who was arrested together with her in Tamale. He told the police the 1st accused had been giving him money frequently. She confirmed that the 1st accused rented a four bedroom apartment and store in Tamale. He also confirmed that the 1st accused gave him GHS180,000 to buy an Elantra sports car for her and gave him a further \$14,300 to buy a Honda Civic car for her. He told the police he saw a lot of dollars and cedis in the 1st accused's handbag and in a wardrobe in her house at Amrahia. Even though the 1st accused could not explain the source of the money to him he observed that she had stolen the money. He said the 1st accused had so much money on her that he was even afraid to sleep in the same room with her.

Kwaku Botwe, the 4th accused is the father of the 1st accused and he sells firewood at the Santana Market. He told the police that even though he knew his daughter was working with the complainants, he had no idea who they were. He denied receiving GHS50,000 from the 1st accused. He stated that the 1st accused

gave him an amount of GHS10,000 but he did not know that the money was stolen.

Malik Dauda, the 5th accused is also a boyfriend to the 1st accused and he has a child with her. It was through the 5th accused that the 1st accused got employed in the complainants' house having worked with Daniel Osei Kuffour in his office for close to 20 years. He told the police that somewhere in June 2022, the 1st accused who was staying with him brought him an amount of GHS100,000 and told him the money was from the 2nd accused. When he called the 2nd accused, she confirmed that she gave the money to the 1st accused to be given to him. When she questioned the source of the money, the 2nd accused insulted him by calling him a fool. He took the money and used GHS50,000 to complete his house in Bolgatanga. On 6th October 2022, he was called by Daniel Osei Kuffour who informed him that the 1st accused had been found in their bedroom. That was when he realised that the money the 2nd accused gave to him had been stolen. He therefore returned the remaining GHS50,000 to the 1st accused.

Examination of the charges

Before proceeding to offer advice on the charges, we noted that even though the monetary value of this case exceeds GHS500,000 you had already taken charge statements from the accused persons in the case and arraigned them before court on various offences without recourse to this office. This is contrary to the earlier directives issued to you by the Attorney-General dated 21st April 2023 to submit dockets on cases in which the monetary value exceed GHS500,000 to this Office for advise.

It is clear that the 1st and 2nd accused who worked as house helps in the complainants' house have dishonestly appropriated huge sums of money from the complainants. The money, items and properties recovered and identified however fall below the amount of money said to have been stolen from the complainants' house. The 1st accused has admitted to stealing money from the complainants' store room. Even though the accused claims she stole \$200,000 and GHS200,000, it is obvious from the properties she has acquired and the money she gave out that she dishonestly appropriated more than she has admitted to. The 2nd accused on the other hand denied stealing any money from the complainants' room. This denial is however contested by the 1st accused who has described how she and the 2nd accused teamed up a lot of times to steal money from the complainants' room. The 5th accused has confirmed that the GHS 100,000 which was given to him was sent to him by the 2nd accused and he called her for confirmation. The 2nd accused's story that she only received GHS400,000 from the 1st accused is not credible. There is evidence in the docket that apart from the three bedroom house she built at Kasoa, she also purchased

a house at Blue Rose Estate, Budumburam, Kasoa. The accused has not been able to explain how she acquired the properties within such a short period. There is also evidence in the docket that the 2nd accused was frequently seen with a lot of money. Eshun Kwame Joseph who worked on one of her buildings told the police that the 2nd accused occasionally sought his assistance to count a lot of money ranging between GHS5000 and GHS90,000. There is enough evidence to sustain the charges of conspiracy to steal and stealing the various amounts of money missing from the complainants' room against the 1st and 2nd accused.

The 1st accused has however denied taking any personal belongings of the complainants, insisting that she only took money from the complainants' room. Even though seven handbags were found in her house at Tamale, there is nothing in the docket to indicate that those handbags belong to the complainant. There is no record in the docket to show that the complainant, Cecilia Dapaah, was given the opportunity to identify those handbags as hers. Until that is done, there will be no evidence to sustain a charge of dishonestly appropriating assorted handbags belonging to the complainant against the 1st accused. There is also no evidence in the docket to show that the 1st accused dishonestly appropriated assorted clothes and perfumes belonging to the complainant unless the police are able to gather some evidence to sustain this charge. The lumping of these personal items together as having been stolen by the 1st and 2nd accused in one count is therefore not proper and unsustainable. Again there is no evidence in the docket to sustain the charge of dishonestly appropriating the complainants' pieces of jewelry against the 1st accused since there is no evidence in the docket to support that charge. On the other hand, two red empty jewelry boxes identified by Cecilia Dapaah as belonging to her were found in the house of the 2nd accused. The 2nd accused had no explanation for the jewelry boxes in her house. Even though no jewelry was found in the boxes, it is enough evidence to sustain a charge of dishonestly appropriating the pieces of jewelry belonging to Cecilia Dapaah against the 2nd accused alone. It is therefore not appropriate to lump the 1st and 2nd accused together in one count as having dishonestly appropriated the pieces of jewelry.

There is also no evidence in the docket to establish that the 1st accused dishonestly appropriated assorted Kente clothes and six men's suits belonging to Daniel Osei Kuffour. That charge is also not sustainable until some evidence is gathered to support the charge.

The 3rd accused Benjamin Sowah has admitted receiving GHS180,000 from the 1st accused to buy a Hyundai Elantra sports car which he was using. He has also admitted that he observed that the money given to him by the 1st accused was stolen. The charge of dishonestly receiving against him can be sustained.

There is not enough evidence to show that the 4th accused, father of the 1st accused, knew that the money his daughter gave him was stolen. Even though the 1st accused claims in one of her statements that she gave her father GHS50 000, she explained in another statement that she initially gave him GHS10,000 and asked one Asibi to give him an additional GHS4000. She later got to know from her father that Asibi did not give the money to him. The 4th accused has explained that he knew his daughter was working in Accra but had no idea who the complainants were. He received GHS 10,000 from her daughter and spent it not knowing that the money was stolen. This explanation appears reasonable and makes the evidence on record insufficient to sustain a charge of dishonestly receiving against him.

The 5th accused Malik Dauda received GHS100,000 from the 2nd accused through the 1st accused. He received an additional GHS5000 from the 1st accused. Even though he claims he did not know the money was stolen, his claim does not appear credible. This is because he states in his own statement that he did not receive any reasonable explanation for the source of the money he received from the 2nd accused when he questioned her, and that, he was rather called a fool by the 2nd accused who told him that everyone has a means of making money. He ought to have known that the money had been stolen by the 1st and 2nd accused. The 1st accused has also stated that she and the 2nd accused told the 5th accused that they had stolen the money from the complainants. There is enough evidence to sustain the charges of dishonestly receiving against him.

Further investigations

Cecilia Abena Dapaah stated in her initial complaint to the Police on 1st July, 2023, that \$800,000 belonging to her deceased brother and GHS300,000 of contribution towards her mother's funeral contained in a box and a bag respectively were stolen. This is confirmed by Henry Osei Kwabena who told the police on 4th July, 2023, that he brought the box of money to her sister for safe keeping. Notwithstanding the confirmation by Cecilia Abena Dapaah's brother, it is important for the police to conduct independent investigations into these assertions to ascertain:

- i. The true ownership of the amount of US\$800,000.
- ii. The source(s) from which the established owner of the amount of US\$800,000 acquired the money.

- iii. Whether the accused actually stole the full amount of US\$800,000 from the house of the complainants.

It is necessary to ascertain whether the accused actually stole the sum of US\$800,000 from the house of the complainants because the 1st accused was not arrested with any money on her on the day Daniel Osei Kuffuor found her in their bedroom. She however told the police that on that day, she had picked a bundle of dollars which she immediately dropped on seeing Daniel Osei Kuffuor. There is no information in the docket as to whether any part of the \$800,000 was found in the store room by the police or the complainants. Further, the total of all the sums retrieved from the accused together with the value of properties acquired does not appear to amount to the sum reported by the complainants as having been stolen.

Cecilia Dapaah also mentioned amounts of \$200,000 and €300,000 as having been stolen from the room without indicating who the amounts of money belonged to. We have observed that the \$200,000 and \$800,000 have been lumped together in one count on the charge sheet as belonging to Cecilia Dapaah. It is important for the police to conduct investigations into:

- i. The true ownership of the amounts of US\$200,000 and €300,000.
- ii. The source(s) from which the established owner(s) of the amounts of US\$200,000 and €300,000 acquired the money.

It is important for the police to establish the ownership of the various amounts of money dishonestly appropriated to avoid any duplicity in the charges.

We note that you are investigating the acquisition of various properties by the 1st and 2nd accused persons, which investigations border on money laundering. The advice rendered above implies that you should broaden the investigations on money laundering and other financial crimes to cover the complainants in order to establish the matters raised above. This is in light of the huge volumes of cash reported by the complainants to have been stolen from their home. It is also noted that Cecilia Abena Dapaah until recently was a high level public official whilst her husband, Daniel Osei Kuffuor, in his statement to the Police, indicated his profession as an architect.

Your investigation into these matters is required to enable the Attorney-General take a comprehensive decision on the case.

We advise that you comply with the directives on further investigations in this advice and submit the outcome of your investigations to this office.

Your SIU/CID/HQRS duplicate docket is returned to you to enable you comply with our directives.



**ALFRED TUAH-YEBOAH
DEPUTY ATTORNEY-GENERAL &
DEPUTY MINISTER FOR JUSTICE
FOR: THE ATTORNEY-GENERAL &
MINISTER FOR JUSTICE**

**DIRECTOR-GENERAL (CID)
GHANA POLICE SERVICE
ACCRA**