

May 16, 2022

PRESS RELEASE

RE: FIRST REPORT OF THE INQUIRY INTO THE DEMOLITION OF THE BULGARIAN EMBASSY

In March 2022, the attention of the Ministry of Lands and Natural Resources (herein after referred to as "the Ministry") was drawn to media reports about the demolishing of a building said to be the offices of the Bulgarian Embassy by some private individuals. The Ministry immediately dispatched a team, led by a Deputy Minister for Lands and Natural Resources, Hon. Benito Owusu-Bio, MP, to visit the site to ascertain the situation on the ground. At the site, the team met a private developer who has constructed a four storey structure on the land in dispute. The developer was ordered to halt all development on the land until further notice. It was established on enquiry that the building which used to house the Bulgarian Embassy was actually demolished in March 2017.

Subsequently, on 18th March, 2022, I, as Minister for Lands and Natural Resources, appointed Mr. Justice Kwasi Anto Ofori-Atta, a highly reputed retired Justice of the High Court, with vast experience in adjudication of land disputes, as Sole Inquirer to inquire into, not only the Bulgarian Embassy matter, but all matters relating to landed properties for diplomatic missions in the country. Specifically, the Sole Inquirer was to:

1. Undertake a full and impartial inquiry into the alleged encroachment and/or demolishing of property on the land being used as the Bulgarian Embassy;

2. Make appropriate recommendations relating to the land being used as the Bulgarian Embassy;
3. Inquire into the nature of interest in any land held or occupied by Diplomatic Missions in Ghana;
4. Inquire into any matter relating to land in which Diplomatic Missions in Ghana have an interest whatsoever; and
5. Make recommendations to Government.

Due to the urgency of the Bulgarian Embassy matter, the Sole Inquirer was given seven (7) days, to present his report on the matter, and one month to present his report on the other matters.

Following the commencement of his investigations, the Sole Inquirer indicated he found the issues considerably complex and therefore asked for an extension of time to conclude his investigations. I granted the request and extended the time for the presentation of the report on the Bulgarian Embassy to 26th April, 2022.

On Tuesday, 26th April, 2022, the Sole Inquirer presented his report on the first two terms of reference, which deals with the Bulgarian Embassy issue. The Executive Summary of the findings of the Sole Inquirer are reproduced verbatim as follows:

- *The subject matter of the inquiry forms part of State lands acquired under the Certificate of Title; TLS No. 3443 dated 6th July 1920 for Public Services. In 1977, the Government of Ghana granted a lease of 3.235 acres for a term of 99 years commencing 1st April 1974 to Mr. Theophilus Kofi Leighton (hereafter Mr. Leighton). The Lessee erected a dwelling house thereon and rented it out to the Government of People's Republic of Bulgaria for a term of five (5) years certain from 1st December 1978 to 30th November, 1983 with an option to renew. The portion sublet to the Bulgaria Embassy covers only 0.525 of an acre.*

- *Subsequently, there were short term leases of two (2) and four (4) years totalling eleven (11) years which was to expire in January, 1990. The parties went into a new agreement whereby Mr. Leighton executed a Deed of Underlease for a term of 50 years effective 1st July 1983 to expire in June 2033.*
- *The External Companies and Diplomatic Missions (Acquisition or Rental of Immovable Property Law, 1986 (PNDC Law 150) Implementation Committee, set up by the Ministry of Foreign Affairs (hereafter MFA), reviewed the 50-year Underlease granted by Mr. Leighton to the Bulgarian Embassy and concluded that the Underlease contravened section 4 of PNDC Law 150 which prohibited the creation of any interest in land in excess of 50 years. The Committee at MFA per their calculations concluded that the sub-lease was actually 54 years taking into consideration the earlier short term tenancy agreement thereby declaring that the said sublease was null and void.*
- *The Committee subsequently converted the consideration of One Million Cedis (¢1,000,000.00) paid by the Embassy to Mr. Leighton to a three (3)-year rent to expire on 15th June, 1993.*
- *The MFA then wrote officially to Mr. Leighton of their decision declaring the 50-year sub-lease void.*
- *Bulgaria's Land Title Certificate No. GA 6454 was eventually cancelled. However, records from the Public and Vested Lands Management Division still indicates that there is a subsisting interest in favour of the Bulgarian Embassy.*
- *In the meantime, Mr. Leighton had assigned the unexpired term of his leasehold interest in the property to Mr. Joseph Ernest Kwabena Ansah (hereafter Mr. Ansah).*

- *However, in March, 2008, the Attorney General and Minister of Justice, Honourable Joe Ghartey reviewed the matter and declared that the views of the PNDCL 150 Implementation Committee and the decision of the MFA in declaring the 50-year underlease as void was misconceived. And that steps should be taken to reverse the decision and that should the parties desire to change any aspect of their relationship, they should be free to do so by themselves mutually.*
- *In view of that, the MFA complied with the advice of the Attorney General and wrote to Mr. Leighton reversing their earlier decision.*
- *Mr. Leighton kept fighting and resorted to the Courts to have Bulgaria's Land Title Certificate No. GA 6454 cancelled the second time indicating that the Embassy had acted fraudulently by having obtained title over their interest in the property.*
- *Meanwhile, Mr. Leighton had sued Mr. Ansah on the basis that he had not paid the full consideration for the Assignment. He also claimed he, Leighton, had not obtained prior Consent of the Lands Commission for the Assignment. Ultimately, the Court granted an order of Mandamus to compel the Lands Commission to cancel the Deed of Assignment as being null and void.*
- *It was found out that Mr. Leighton had acted fraudulently by getting the Land Registration Division of the Lands Commission to cancel the Bulgarians interest by attaching the Judgment dated 24th September, 2002 against Mr. Ansah to the particulars of the Bulgarian Embassy for cancellation.*
- *In 2011, the Embassy notified the MFA and the International Community in Ghana that they were temporarily suspending their activities in the country.*

- *Along the line, Mr. Jojo Hagan took over as the Executor of the Will of Mr. Leighton and vested the property in the named beneficiaries of the Will. He also pursued the cases at the Court and finally obtained judgement for the eviction of the Occupants whom he described as trespassers and an order to demolish the property which he described as unfit for human habitation, at the Circuit Court, Accra. The Court granted the reliefs on 30th March, 2017. Mr. Jojo Hagan evicted the trespassers and also caused the demolition of the property without following due process.*
- *After the demolition, Mr. Jojo Hagan went ahead and assigned the disputed plot of land (0.523 acre) for the unexpired residue of Mr. Leighton lease to Dr. Yaw Adu-Ampomah on 11th December, 2018. Dr. Yaw Adu-Ampomah (the Assignee) subsequently registered the Assignment at the Lands Commission and obtained planning and development permits; reference No. C795/20 for the proposed development.*
- *It was found out that there are three Court cases involving ownership of the subject matter pending before the High Court, Accra.*

Based on these findings, the Sole Inquirer recommends that:

- *Mr. Jojo Hagan should be sanctioned for not following due process in the eviction of the alleged trespassers and the demolition of the building and should be made to compensate the Bulgarian Embassy.*
- *Since the title to the land has not been determined by the Courts, it is advised that Government should intervene in finding an amicable solution to this matter.*

The Ministry, after studying the one hundred and forty-nine (149) page report of the Sole Inquirer, has decided to take the following measures;

- i. accept the findings and recommendations of the Sole Inquirer in full. The Ministry has begun taking the necessary steps to implement the recommendations of the Sole Inquirer;
- ii. since there are pending court cases, specifically suit numbers **G1/10088/2021**, **PA1335/2017** and **GJ/0503/2022**, in respect of the subject matter, The Ministry has directed the Lands Commission to ensure that there is no further development of the land pending the outcome of the court cases;

For the avoidance of doubt, no person or entity is to carry out any development on the said land until the conclusion of the said court cases;

- iii. the Sole Inquirer established as a matter of fact that the cancellation of the Bulgarian Embassy's interest did not follow due process. Since the registration of the assignment of Dr. Yaw Adu-Ampomah is found, as indicated in the Sole Inquirer's report to have been improperly obtained, the Ministry has further directed the Lands Commission to take the necessary steps to withdraw consent granted to the said assignment and the registration of the interest of Dr. Yaw Adu- Ampomah, pending the outcome of the court cases;
- iv. the Lands Commission is directed not to recognise and/or register any further transaction in respect of the subject plot of land until the final determination of the pending cases before the court (s) or an amicable resolution of the matters in dispute is reached;

- v. I have also written to the Honourable Attorney-General and Minister for Justice, to advise the Ministry in respect of recommendation one (1) of the Sole Inquirer which states as follows;

"Mr. Jojo Hagan should be sanctioned for not following due process in the eviction of the alleged trespassers and the demolition of the building and should be made to compensate the Bulgarian Embassy"; and

- vi. In accordance with the recommendations of the Sole Inquirer, I will use my good offices to attempt a mediation between the parties with the hope of reaching an amicable settlement of the matters in dispute. If no settlement is reached, The Ministry will await the outcome of the court cases and abide by them.

As with all other matters, Government will continue to act transparently, in good faith and with utmost integrity in this matter. The findings and recommendations of the Sole Inquirer in respect of all other matters relating to landed properties in which diplomatic missions have interests in, will be made known when presented.

On behalf of Government, I thank the Sole Inquirer, Mr. Justice Kwasi Anto Ofori-Atta, for his extraordinary sense of professionalism, integrity and dedication in this matter.

END

SIGNED

HON. SAMUEL A. JINAPOR, MP

MINISTER