

he Legon Observer

Fortnightly Organ of the Legon Society on National Affairs

Vol. II No. 9

28 April — 11 May 1967

Price 15p. or 12½np



(Late) Lt-Gen. Emmanuel Kwasi Kotoka, G.S.O.,
General Officer Commanding the Ghana Armed
Forces

*"Hard is his fate on whom the
public gaze is fix'd"*

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Commentary

THE PRICE OF COMPLACENCY

By A Special Correspondent

AS A RESULT of the events of April 17 a wit has remarked, after deep reflection, that in Ghana civilian intelligence is better than military intelligence, but that the authorities always insist on describing civilian intelligence as "rumour-mongering". This remark, cynical though it may be, is more than a fair indication of the distrust the general public feels of military intelligence today. No one who ponders over the security aspects of the events of April 17 can possibly blame the public for holding this view, and the powers that be will have to exert themselves to restore public confidence in military intelligence.

One has just to look at the road map of Ghana to realize how reprehensible it is that a detachment of the Recce Squadron could move all the way from Ho to Accra and throw the whole country into panic for hours without any effective check. The troops could not have got to Accra without passing over either the Tefle bridge or the Adomi bridge. What happened at the bridge they used? Or are these points not check-points? If they passed over Tefle bridge they had a long haul up to the junction of the Accra-Tema motor-way and the Akosombo-Tema road. Here they could use either the motor-way or pass through or by Tema. There are two police posts on the motor-way, one at each end. How could the troops use the motor-way, then, without a word getting through to Accra about suspicious army movements? Or were the police disposed of by the insurgents? . . . If they passed through or by Tema, then they had to pass by both the Teshie camp and the military academy, and also by the police barrier at the Teshie T-junction. Could they have done this without detection? If so, what sort of intelligence has the army? If not, then what happened to any signals that might have been sent?

As a matter of fact anyone who has passed over the Adomi bridge in the last year or so knows that the bridge is heavily guarded by the army. What happened there, if the insurgent troops passed over that bridge? After Adomi they had, for all practical purposes, two alternative routes. They could use the really first-class Akosombo-Tema road or they could have passed through Odumase and Somanya. To use the former road they had to pass directly in front of Michel camp. Did they in fact do this without being detected? Or did they neutralize Michel camp? If they branched off at Kpong and took, the Somanya-Odumase road they should have, at the very least,

come up against the police barrier at Legon. Here again, what happened? In any case, whatever route the insurgents took they must have passed by many police posts. Is it being suggested that they were not detected at any of these posts and that no word, no message, no signal was sent to Accra from any of them about Army movements in the deep of the night, remembering especially that the troops, because of their armoured vehicles, must have moved rather slowly? Were any such messages in fact sent to Accra, or not? The N.L.C must answer without equivocation. If they were, the public would like to know who sent the messages, who received them, what happened to them, and for what reasons.

The chairman of the N.L.C., Lt-General Ankrak, attempted to answer some of these questions at the press conference on Saturday, April 22. He said the officers who led the insurrection took advantage of "operational movements" to move to Accra. By this he presumably meant that the Recce Squadron was engaged in an official exercise. Police intelligence was aware of this and therefore did not have to report on their movements, he added. Lt-General Ankrak further maintained that one has to trust officers.

To say the very least, the chairman's explanation is no answer to the questions posed above. At least, he was only giving excuses. And in any case to explain how the insurgent troops got to Accra is not to justify the performance of the intelligence services. Did the authorities not know the limits of the operations? And why were the intelligence services not in a position to detect that the troops had gone beyond their official limits? Or is it being suggested that a mere lieutenant could be trusted to such an extent that even if he goes beyond the limits of an exercise and begins to march to Accra he is supposed to be marching to Accra from beneficent motives? Are the authorities unaware that an exercise can be transformed into an operation? Do they know of a book, entitled *The Ghana Coup*, written by one Colonel A. A. Afrifa? At page 96 of that book appears the following passage:—

The 1st Battalion was on exercise at Elmina under the command of Lieutenant-Colonel Crabbe. It was my duty to watch all exercises and report to the Brigade Commander. I went to Elmina to visit the Battalion and there I discussed with the commanding officer my plan for a coup. I persuaded him to change his exercise into an operation. There were approximately one thousand men under his command. I assured him that if we made a quick dash for Accra in the night we could arrest Nkrumah and topple the Convention People's Party

government. (My own emphasis)

In the very first chapter of that book, "The Story of 24th February, 1966", the author tells us how the coup was planned. At 0400 hours on Wednesday, 23rd February, when 600 men started moving from Tamale to the South they were supposed to be moving to an unknown destination for a test exercise. "Our H-hour, that is, the time at which *the exercise was to be changed into an operation*, was 0400 hours 24th February". (My own emphasis). "We were all driving to our objectives: Radio Ghana, Flagstaff House and Osu Castle . . ." How was it that the intelligence system of that time—remember how formidable it was at that time?—could not foil that Coup? The author provides the answer: "Since November 1965 we had been in a high state of readiness to move into Rhodesia at short notice. *We exploited this situation to deceive the intelligence system*" (My own italics). That is to say that the leaders of April 17 simply copied their tactics from the leaders of February 24, and yet the latter were completely beaten to it. Need there be any further comment on the efficiency of our military intelligence? What about the responsibility of the N.L.C. for April 17? There can be no escaping the fact that it lies squarely on their shoulders. If the N.L.C. were a civilian regime there would be only one way out: to ask them to resign forthwith. The truth is that the N.L.C. has been very complacent about security. They have always given the impression that our security system is perfect and that no one need entertain any fears on that account. At times they have even been impatient with those who have attempted to proffer advice on security matters. They are so politically innocent that because the 24th February Coup was as popular as the criminal adventure of April 17 was unpopular they are even now apparently in the habit of thinking that they are personally safe, forgetting that the C.P.P. thugs who were losing their ill-gotten money and properties could and would get at them at any time; or that any demented soldier with a grievance, genuine or not, could rent the spleen of his anger on any one of them at any time.

The result is that even General Kotoka, of blessed memory, Head of the Armed Forces and prime architect of the move that eventually deprived hundreds of people of their (illegitimate) source of living, went about accompanied by only one guard not always armed! So did (or still does?) Afrifa. Such complacency! One could detect the same complacency in Lt-General Ankrah's facile dismissal of the security aspects of the events of April 17, at his second press conference on Saturday the 22nd. It is high time the N.L.C

were boldly told that the death of Kotoka is the price the country has paid for their complacency.

KOTOKA IS DEAD

What of the Future?

By A. Gematuxo

THE NEWS of the death of the stout-hearted Kotoka swept over Accra, and then the nation, like a harmattan bush fire—devastating and scorching deep into our hearts' core. The fact of his death had been known long before a foreign radio led the break of the news. The news struck mouths dumb. It made eyes to flow which were unused to flowing.

Kotoka has made the supreme sacrifice. Now, he belongs to history. We bow our heads in reverence for a chaste and dedicated soul. Kotoka, the man among men, is dead. Whatever the retribution exacted, it will not atone for the wanton destruction of Ghana's No. 1 hero. He can not come back to life. He is dead for good. And now we weep for him. Deep sorrow has hushed our voice and our drums. But why must it be he, the least to deserve hate, that had to die? Was his death a result of a collective design, or just the work of a few only?

If Ghanaians should show impatience at knowing the facts of the sad situation, it will be understandable. Thorough investigation, yes; but it must be swift and definitive. In the investigation which is under way, let us prove that we are heirs of a great soul.

Meanwhile and at once, the entire security and defence systems of the state must be reviewed and improved, for the regrettable episode has raised doubts in our minds about our claims to security. The movement of troops must be covered through a network of counter-intelligence at several check points. Kotoka's unnecessary death makes this imperative, and our national survival hangs on it. The preparedness of our Armed Forces to respond promptly to danger from attack has been called to account. Arrangements for the safety of our leaders have been proved to be hopelessly weak and inadequate!

Tributes to the great soldier have been pouring in. But what words can match the virtue of the one who died unprotected? With what resistance was the threat to Kotoka's life contested? No, our tears will not wash clean the blood of the one who had earlier exposed his life in order to remove tyranny!

The tragedy of Kotoka's death is the futility of the insurrection. What did the scanty unit of rebels count upon for success? Or, was there an undisclosed source of support about which we are to know in the future? Who promised aid to the insurgents? If there was no such promise,

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how could they have hoped to succeed? What alternative policies did the rebel troops have to offer? What were their objectives and their motivation? What personal anger could he have had who looked in the face of Kotoka and gunned him to death?

These are some of the questions which Ghanaians are asking. The questions have engendered a feeling of frustration and insecurity in the people. No lead to resolve the questions should be ignored in the investigations. Our people want to have all the facts and to have them without delay.

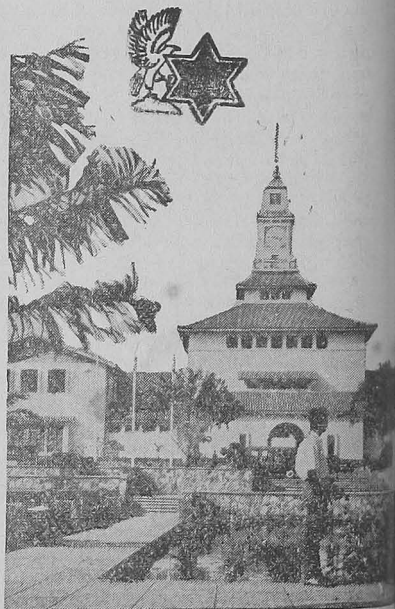
Partly because of the accident of history, partly because of the peculiar character of our society, and partly because we have had a long line of superb leaders, and also because the independence of Ghana preceded that of other African states, what Ghana does, and how she does it, is followed by others. Are we to abandon our role as pace-setters? So far, as a result of the handling of the post-coup affairs of Ghana, characterised as it has been by discretion, a sensitiveness of our leaders to public opinion and humanity, countries which are in a position to judge have pointed at Ghana and said: "See how they go about rebuilding their nation! Ghana can be counted upon to resolve their financial and economic affairs." As a people, Ghanaians have had cause to believe that this is not a clumsy handling of national affairs; that human life ranks above politics and personal ambition! Ghana has shown the way in a number of ways: must we abandon our lead?

The record prior to the attempted coup has been one of which any nation may well be proud. Every effort has been made to exact accountability free of malice and vindictiveness. Is there any enlightened citizen of Ghana who does not appreciate the delicateness of the negotiations which have been conducted aimed at easing the financial and economic disarray which has been inherited? Is it forgotten that the slightest move off course may prejudice the confidence which patient tending has been rebuilding in business and investors? Must the country be set back several years by ill-considered and brash actions?

Such has been the quality of training, the high dedication and the integrity of the officers of the Ghana Armed Forces that they have been held in high esteem here and abroad. Who is there that will not respect and uphold these high standards of soldiery among our officer class? Kotoka is truly an upshot of a fine tradition in a fine Armed Force. Ghanaians will like to continue to hold the Force in high esteem. In the many anxious months which lie ahead, and throughout the many difficult tasks confronting Ghana in the year ahead, we count on the Army to be the disciplined force they have been

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Observer Notebook

The Last Thoughts of Kotoka

ON FEBRUARY 24, 1966, a relatively unknown soldier leads a brave band of patriotic Ghanaians to rescue our beloved country from oppression and hopelessness, restoring to us our self-respect and the hope of a brighter future. Immediately after this, he plunges himself into the difficult task of laying the foundations of a new nation. But fourteen months later, what is his reward for all his work and efforts? —Betrayal and murder.

It is not easy for any true Ghanaian to try and view mentally the last thoughts of our late, beloved Kotoka on that fateful morning when he was being driven to his certain death. But if his death is not to be in vain, we must ask ourselves the questions he must have asked himself, and see how best we can carry on the work he gave his life for.

As he is driven away, at first he thinks he has only been arrested in a mutiny. He hopes his captors will come back to their senses. Then later, as the truck moves in the wrong direction, he realizes that he is going to be murdered. What thoughts come into his mind? Like any other human being, there are very personal things that must have fled through his mind. Fear for his personal life. Thoughts of his family; of his friends; of his military colleagues. How widespread is this conspiracy? What is happening elsewhere?

Yes, perhaps all these. But Kotoka was not an ordinary man, and he must have posed the greatest question of all: "Has Ghana failed?" "Has the work that we started a year ago failed?" "What did we do wrong?" . . .

Alas, he was never to know the answer to these questions. Alone, defenceless and undefended, and perhaps broken-hearted, he met his undeserved death in a brutal, wanton, cruel murder.

Let every true Ghanaian imagine his last thoughts and try to reflect on them.

The Nation, the Army and Promotions

IT IS well known that in developing countries educated people are far too promotion-conscious. Young men are given responsibilities which their counterparts in developed, industrial countries take years to assume.

This promotion-consciousness became more marked under the old regime in Ghana, at a time when people whose experience and qualifications were not commensurate with the jobs they were doing had to manipulate political

power in order to get promoted. This promotion phenomenon affected the army too.

It is all well and good when civilians are promoted quickly, and later demoted. Their grievances can be settled by resort to non-violent political action. But when a soldier feels he deserves a promotion because an unqualified person has been promoted, then the nation faces a serious threat to its stability; for the soldier will settle his problem with a gun, with all that this implies in political instability.

It seems there have been quick promotions in the army; when there are such quick promotions some deserving officers are apt to be forgotten. In such an eventuality they see the removal of their senior officers as an answer to their grievances. This view is supported by no less a person than Major-General Alexander, one-time Nkrumah's General Officer Commanding the Ghana Armed Forces. In a B.B.C. interview on 18 April, General Alexander said, among other things, that one factor explaining the 17 April abortive coup "is that people get promoted too quickly within the Army and this brings a lust for power, and it could be that some of the more junior officers have a lust for power" This was said before General Ankrah talked of the master plan drawn by the insurgents to murder all officers of the rank of Lieutenant-Colonel and above.

For the stability of the nation promotion criteria should be made clear, thus creating conditions which will make it difficult for our soldiers to think that one goes into the army only to earn promotion every year.

Finally, we should like it to be urged on our brothers in the Military, that they should use the proper avenues to solve their personal problems or to seek professional advancement. No profession is given the divine right to govern. There are civilized ways of getting into power. Any one who wishes to govern should resign from the Military and enter politics the normal way. The nation needed the coup of Feb. 24, 1966 because the C.P.P. had taken away our freedom. That is why we welcomed Kotoka and his men. The nation has confidence in the N.L.C. We do not need another coup.

The Insurrectionists and Students

STUDENTS of the University of Ghana were fast earning the notoriety of being apathetic in national politics. Those who normally made such an accusation had the role of students in other parts of the world in mind. Nigerian students rioted when, in 1959, Nigerian leaders wished to sign an Anglo-Nigerian Defence Pact. In Indonesia the role of students in toppling Sukarno

is too well known to be recounted. In levelling such an accusation, people normally forget the attempt to march to Flagstaff House in 1961 to protest against the arbitrary dismissal by Nkrumah of some University lecturers. This attempt is usually dismissed as feeble: however, Mr. Kofi Baako, who was instrumental in stopping the protest march, can now testify that the students meant business when they decided to protest personally to Nkrumah.

This apart, it is argued that Ghanaian students are normally so full of themselves as not to bother about national issues. How wide off the mark and unfair this accusation is was proved on the 17th April, 1967, the day when some misguided soldiers decided to stage what they termed a "coup", and what the N.L.C. regards as a "mutiny".

As soon as the news was broadcast at 6 a.m. on Radio Ghana, the Secretary and the President of the National Union of Ghana Students met to take a definite stand on the "abortive coup". A quick decision was taken by 7 a.m., by 8 a.m. leaflets had been printed, and copies distributed to all students, and some put up on notice boards at Legon. The notice reads as follows:

TO ALL STUDENTS

"The so-called counter coup takes all Ghanaians, especially all students by surprise. Why a coup at this time? Why disturb the calm and stability of the nation? Why keep the progress of the nation in Check? What motive, what reasons? All students are asked to remain calm but be on the alert for further instructions from the National Executive.

Students, this is the hour for concerted action. The future of Ghana which is yours is at stake. Be alert. Be prepared for anything. Stand by now. Long Live Ghana."

These notices were ready well before the situation became clear, and well before most Ghanaians sitting on the fence heaved a sigh of relief at 10 a.m. when Capt. Sowa of the Recce Squadron announced that the counter-coup had been foiled. What courage! This is clearly a feather in the caps of the students.

History and Lt.-General Ankrah

HISTORY HAS thrust a grave responsibility on Lt.-Gen. J. A. Ankrah. The coup of Feb. 24, 1966 brought him from an unnecessary, premature retirement from his military career into an even

greater cause—the reconstruction of this nation. The event of April 17, 1967, has given him an even greater task. On the one hand, the task of national reconstruction is now more complex and more difficult than ever. And on the other, the event and its implications clearly demonstrate that the "mess" that the N.L.C. has been trying to clear is not limited to the civilian population.

A far more ominous and dangerous — "a far more explosive" — "mess" exists in the Ghana Armed Forces than in the civilian population.

And it should be clear that the assumption of the post of General Officer Commanding the Ghana Armed Forces—the only thing the General could do—is more than the mere filling of the vacant post of one man. The General has inherited stupendous problems.

The shameful episode of April 17 has shown us at least two sides of people committed to the defence of this country. There are those who are dissatisfied or just ambitious and will use violence to seek satisfaction. And there are those who in a situation when they should behave like true soldiers will not do so; that is, who are either cowards, and therefore will not venture out to fight the traitorous enemy, or are opportunists who would like to "watch events" and fight on the victorious side when victory is assured or are just indifferent and apathetic. No doubt the number of soldiers who can be put into these groups is small; but they cannot be said to be insignificant because they are few; they may be sufficiently organized or placed in strategic positions to neutralize the remainder of the Forces—the loyal, brave ones who would fight to save their nation. The event of April 17 demonstrated how a numerically insignificant band of ambitious dissidents, aided by the inaction of the cowardly, opportunist, and indifferent, can neutralize the loyal ones who are in the majority and terrorise the nation and push it into confusion.

This matter is one of great urgency; it leaves no room for complacency. The dissidents should be liquidated—and fast. Those who also failed us on the fateful 17th should also be immediately sacked or retired. The remaining loyal and dependable ones should then be re-organized in order to build up their deflated morale from its lowly depths. Let us put this bluntly: punish those who rose against the nation; sack those who should have led loyal soldiers to fight, but did not do so for reasons best known to themselves; and re-organize the Armed Forces. (Please read Cassius Nimbus's *The Wheat and Tares* in the *Ghanaian Times* of April 19.)

The reason for a call for the re-organization of the Armed Forces is that it is too top-heavy. Further, in line with Nkrumah's policy of "divide and rule", our troops and commanders were located in the country in such a way that their combat-readiness was severely compromised. The reason was clear: no section of the Army should have the efficient mobility of the Presidential Army. The latter was dissolved after the coup and its members redistributed, but the essential structure and logistical positions of the rest remained unchanged. And anybody could take advantage of this, as we saw on April 17.

There is also a very important matter which should engage the General's attention. As quickly as possible a Military Committee should be set up to determine any causes of genuine dissatisfaction so as to seek more acceptable solutions to them than the gun.

Lastly, one humble suggestion to the General (and the N.L.C.) In the task of re-shaping the Military, decisions must be implemented without fear, delay, or favour. Above all, let us not hear any more of the reconciliation policy which has been applied to the C.P.P. and has failed us so grievously. Let us not talk of reconciliation for those who murdered Kotoka and brought shame to this country. No more vacillation. The result of that might be worse than the loss of the lives of other members of the N.L.C. and senior officers of the Forces.

The survival of the nation depends on the success of Ankrach and his colleagues of the N.L.C. The nation prays that they will have strength equal to their tasks.

The Police and Security

ONE OF THE disturbing features of life in the main cities of Ghana these days is the increase in crime and violence. Hollywood-type bank-raids and gang robbery, which have hitherto been unknown in this country, are now a common phenomenon, and the dailies are always full of heart-rending stories of the cold murder of watchmen, gate-keepers, etc. In a situation like this, one would expect that there would be increased effort on the part of the Police, the watch-dogs of civilian liberty and security. On the contrary, it is pathetic to observe that no such activity and serious awareness on the part of the police are evident.

We are certain that inefficiency is present not only in particular Police Stations in the country but in most of them, and we would like to urge the Police authorities that in view of the increase

in crime, immediate measures should be taken to remove the difficulties in the way of the men on the beat. For instance, instead of stationing policemen behind posts or in the bush to arrest people driving at 40 miles per hour on double-carriage or very wide and less busy roads, such men should be sent to police posts and stations to strengthen the hands there in the more immediately important and relevant task of checking crime and ensuring the security of civilians. Furthermore, we think Mr. Harley, Mr. Nunoo, and Mr. Deku should give up some of their political portfolios to civilians brought into the N.L.C. and concentrate on the checking of crime and robbery, which are making life so insecure in our towns.

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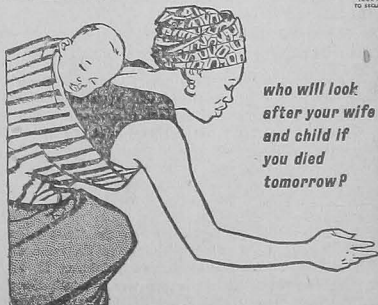
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Africa

SIERRA LEONE:

THE LAWYERS REVIEW THE POSITION

(Communicated)

The following Memorandum was presented to the National Reformation Council at State House, Freetown, by members of the Sierra Leone Bar Association, on 3rd April, 1967. It was signed by the President of the Association, Miss Frances Wright, and the Hon. Secretary, Mr. E. Livesey Luke, and was delivered to the chairman of the N.R.C., Lt.-Colonel Juxon-Smith personally by the lawyers.

The statement speaks for itself as to the opinion of the Sierra-Leone Bar Association regarding the constitutional position of the country, pre- and post-Brigadier Lansana's intervention on 21st March 1967. The statement follows in full:

MEMORANDUM FROM SIERRA LEONE BAR ASSOCIATION

WE, THE members of the Sierra Leone Bar Association, an independent professional body of lawyers recognised by law, deem it our duty to express our views on matters of national importance, especially those relating to the Constitution and the laws of Sierra Leone. We have been greatly concerned at recent events and consequently have resolved at a general meeting to submit to the National Reformation Council a memorandum on the constitutional position and fundamental rights.

1. The Constitutional position as on the morning of Tuesday 21st March.

The Governor-General is the Queen's Representative in Sierra Leone. He is Commander-in-Chief of the Royal Sierra Leone Military Forces. The executive authority of the State is vested in him by virtue of Section 57 of the Constitution of Sierra Leone. Section 58(1) and (2) of the Constitution provides as follows: "(1) There shall be a Prime Minister of Sierra Leone, who shall be appointed by the Governor-General.

(2) Whenever the Governor-General has occasion to appoint a Prime Minister he shall appoint a member of the House of Representatives who appears to him likely to command the support of the majority of the members of the House."

In our respectful submission Section 58(2) confers an absolute discretion on the Governor-General as to the member of the House of Representatives whom he shall appoint Prime Minister. This position is supported by the proviso to Section 64 which states that "the Governor-General shall act in accordance with his own deliberate judgement... in the exercise of the power to appoint the Prime Minister."

On the morning of Tuesday the 21st March 1967, in the exercise of the aforesaid powers, the Governor-General appointed Mr. Siaka Probyn Stevens Prime Minister of Sierra Leone.

In a broadcast to the nation over the Sierra Leone Broadcasting Service at 17.55 hours on the same day Brigadier Lansana said that the appointment of Mr. Stevens by the Governor-General was unconstitutional. We totally disagree with this view. In our considered

opinion the Governor-General's action was constitutional and was a valid exercise of his powers. Our view is supported by the Privy Council case of **Adegbenro vs. Akintola, 1963.**

In an official release to the Press published in the issue of the Sierra Leone **Daily Mail** of 1st May 1964 the Attorney-General, Mr. Berthan Macaulay, Q.C., said: "Perhaps it ought to be pointed out that it is provided in the constitution that the Privy Council should be the final Court or authority on the interpretation of the Constitution." The observation is relevant to the interpretation of the provisions relating to the appointment of the Prime Minister, because, in interpreting similar provisions last year, formerly contained in the Constitution of the Western Region of Nigeria, the Privy Council observed that a Governor-General, exercising the power of selection of a Prime Minister, was under "no legal restriction as to the persons whom he may consult or the material to which he may turn in aid of this decision (**Adegbenro vs. Akintola**). In fact there is no provision in the Constitution which makes it obligatory on him to consult any particular person or persons."

If anyone was of the opinion that the Governor-General acted unconstitutionally the only proper course open to him was to institute proceedings in the Supreme Court for a declaration to that effect. The Superior Courts in Sierra Leone alone have the authority, and with it the responsibility, to interpret and apply the Constitution; and by section 84 1(c) of the same Constitution the final authority for interpreting the Constitution is the Privy Council.

The position is that no one can question the Governor-General's absolute discretion to determine who appears to him likely to command the support of the majority of the members of the House. Only in the House of Representatives can it be shown whether or not the Governor-General's appointee commands a majority.

2. The Constitutional position as on the evening of Tuesday, 21st March

In the aforementioned broadcast Brigadier Lansana also said: "As custodian of State Security, I have decided to protect the Constitution and to maintain law and order. From now on the Army is in control and will use all its power to see that the Constitution is not violated."

It is appropriate to note the words of Lord Halsbury in the Privy Council case of **Tilonko vs. The Attorney General of Natal (1907)**: "It is by this time a very familiar observation that what is called Martial Law is no Law at all. The notion that Martial Law exists by reason of the Proclamation... is an entire delusion. The right to administer force against force in actual war does not depend upon the proclamation of Martial Law at all. It depends upon the question whether there is war or not" Also, as Sir Mathew Hale observes: "It (Martial Law) ought not to be permitted in time of peace, when the King's Courts are open for all persons to receive justice according to the Laws of the Land".

We cannot therefore over-emphasize the point that martial law can only exist in a time of actual war or in circumstances amounting to a state of war. On the evening of Tuesday, March 21st there was no war or circumstances amounting to a state of war in Sierra Leone, and the Queen's Courts in Sierra Leone were open.

It follows therefore that no person, not even the Crown, could have validly declared martial law in the conditions that then existed. In any event Brigadier Lansana had no power nor jurisdiction to declare martial law even if a state of war had existed. Assuming a state of war existed, only the Crown could have declared martial law.

We would therefore further stress that on that evening there was a Governor-General (the Queen's Representative) and a legal Government headed by Prime Minister Mr. Siaka Probyn Stevens, and that the declaration of martial law by Brigadier Lansana was patently illegal.

3. House Arrest of the Governor-General

In his broadcast Brigadier Lansana said that the Governor-General had been put under house arrest. This act was not only illegal but seems to be treason. It is relevant to note that Sierra Leone was and still is a monarchy.

4 Fundamental rights

(a) **Shootings**—It has come to our knowledge that several citizens lost their lives and others maimed as a result of the Army opening fire on the night of Tuesday, March 21st, and that on the same night other peaceful citizens were man-handled by the Army.

(b) **Detention of Mr. Siaka Probyn Stevens and others at State House from the 21st day of March 1967.**

At the time when the Governor-General was placed under house arrest several other persons who were with him, including Mr. Siaka Probyn Stevens, were also imprisoned in State House.

In the case of Mr. Siaka Probyn Stevens his detention did not end with the release of the others but he was transported to the Central Prisons where his detention continues.

(c) **Press**—The publication of virtually all the local newspapers except the Government owned *Daily Mail* has been suspended.

(d) **Banning of political parties and certain other associations**

Not only were political parties proscribed but certain specified associations were "dissolved." As a body of lawyers primarily concerned with preservation of the rule of law we are deeply concerned at the infringements of the fundamental rights and civil liberties of the individual. These rights and liberties are guaranteed not only by the Constitution and Laws of Sierra Leone but are also embodied in the United Nations' Declaration of Human Rights:

"Article 3. Everyone has the right to life, liberty and security of person.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive

and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association."

No official explanation having been given for these killings it is difficult to appreciate the distinction between such killing and murder. It is hoped that in due course the circumstances surrounding the shooting and other physical attacks will be investigated and further that appropriate redress including compensation will be made.

Detention without trial even in time of war is contrary to due process of law. We view with considerable alarm Paragraph 6 of the Proclamation Public Notice No. 28 of 1967 which provides for detention without trial. As far as we are aware Mr. Siaka Probyn Stevens has neither been accused of nor charged with any criminal offence and his being held in "protective custody" amounts to detention without trial.

On the question of freedom of speech and association we adopt the words of Mr. Justice Branders in *Whitney vs California*.

"Those who won our independence believe that the final end of the state was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believe liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American Government. They recognised the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognising the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed."

Finally, the Association sincerely hopes that the National Reformation Council will consider these matters. We on our part offer our services to the National Reformation Council to assist it in its effort to facilitate the speedy return to Constitutional and democratic government.

Dated the 3rd day of April, 1967.

Frances C. Wright
President
E. Liversey Luke
Hon. Secretary.

Letters

"St. John's International" and Import Licensing

SIR—My attention has been drawn to an article by Mr. Kwaku Manu in the March 3-16 issue of the *Legon Observer* entitled "Problems in Import Licensing" in which he makes certain remarks about the way the 1966 Ghana/U.S. Public Law 480 Agreement was handled. In as much as this Embassy was intimately connected with implementation of this Agreement and acted for the Ghana Government in all transactions in the United States, I would like to point out how utterly false and thoroughly dismaying Mr. Manu's observations and insinuations about the conduct of the programme are. They could only have been made by someone totally ignorant of the way the programme was handled.

First of all, as is well known or should be, the U.S. Public Law 480 Programme is part of the Foreign Aid Programme of the U.S. Government. It has been in operation since 1954 and is implemented according to rules and regulations laid down by the U.S. Congress which apply equally to all countries receiving P.L. 480 aid. Under the rules regulating implementation, a Ghanaian Company would not be eligible to act as agent. Mr. Manu's assertion that a Ghanaian Company could have handled this job, is therefore, not valid.

Second, the American Company which was selected as purchasing and shipping agent for the Ghana Government under the programme has been actively involved with P.L. 480 Programmes since the inception of the Programme in 1954. The Company is currently agent for FAO and the U.S. Government in respect of the World Food Programme, directing cargoes to all parts of the developing world. In a memorandum to this Embassy the U.S. Department of Agriculture said of this firm:—

"St. John International, Harry Smith, President, is a reputable U.S. firm experienced in the export of agricultural commodities and the booking of ocean freight. Harry Smith is also the agent for the World Food Programme with the responsibility for booking all foreign flag vessels carrying World Food cargoes from the United States. The United States Department of Agriculture has no reservations as to the honesty and abilities of Harry Smith and his firm, with respect to the procurement and shipment of agricultural commodities"

It is, therefore, false and quite irresponsible for Mr. Manu to assert that the job of acting as agent was given to an American Company which was not known in the commodity market.

Third, the firm was chosen by the Ambassador of this Embassy after a review by him and his two top officials of written applications from a number of eligible firms and after informally checking on the ability, experience and integrity of each of them with the U.S. Department of Agriculture. Again, under the rules by which these programmes are regulated, the final choice had to be approved by the U.S. Department of Agriculture. This approval was sought and given. Mr. Manu's assertion, that "there has been a cloud as to how that company came to be selected" could, only have been made by someone who did not know the facts of how the company was chosen.

Fourth, the buying procedures and invitations to tender connected with the programme were handled in accordance with the procedures of P.L. 480 Programmes and with normal commercial practice here. Officials of the U.S. Department of Agriculture are legally charged with seeing that the programme is properly implemented. Apart from approving of the firm chosen as agent, they supervise all buying procedures, give price approval to commodities bought, and check to see that commodities shipped conform to specifications which are usually agreed with the recipient Government. Competitive bids were sought and awarded to the lowest bidder capable of meeting our emergency food needs. If Mr. Manu is genuinely interested in knowing how the market operates and how the bids were held, we shall be happy to furnish him with detailed information, because his paragraph on how bids were allegedly held reveals a depth of ignorance that is painful to behold in one even remotely connected with an academic institution. It may have escaped Mr. Manu's attention that much business is done by telephone, telegrams and telex machines here.

Fifth, we are not aware that the Ghana consumer received the wrong type of soya bean oil. Also Mr. Manu's assertion about the agent chosen not knowing the differences in soya bean oil is false and would be quite irrelevant were it true since the U.S. Department of Agriculture inspectors checked all commodities to see that they conformed to requirements and specifications laid down in the Purchase Authorisations. These specifications had been established in consultation with the Ghana Government.

Sixth, the Ghana Government did not pay the agent. The agent receives his fee from a commission controlled by law and paid by the Shipping lines which carry the cargoes. Mr. Manu's assertion that the Ghana Government paid the agent is therefore false.

Seventh, all rice shipped under the programme and financed by the U.S. Commodity Credit Corporation was long-grain rice as requested by the Ghana Government. There was an instance where approximately 2,375 metric tons of medium-grain rice was shipped to Ghana by a supplier providing P.L. 480 rice, but this was treated separately from the P.L. 480 rice, and was in fact bought on terms approved by the Bank of Ghana and the Economic Committee of the N.L.C. at considerable saving to the Ghana consumer.

It is quite apparent that Mr. Manu's ignorance of how the programme was implemented led him to make these false assertions. But then, this is quite disappointing and alarming. It is disappointing because Mr. Manu, whatever his source and if he really wanted to know the truth, could have checked his information with the U.S. Embassy in Accra or with the Economic Committee of the N.L.C., but as is quite apparent he did not. It is alarming because he was writing in a journal that is trying to establish standards of journalistic excellence and probity and by doing exactly what was done in the recent past in Ghana, namely casting unwarranted slurs on people's integrity on false information without bothering to check, he has done a disservice to what the *Legon Observer* is trying to do.

Since Mr. Manu cast unwarranted slurs on the integrity of all concerned with the programme's implementation including officials of the U.S. Government—a government whose generosity enabled us to have these commodities in the first place—we would ask Mr.

Manu to retract his assertions and to apologise in these pages.

Yours sincerely,

2460 16th Street N.W.
Washington 9, D.C.

A. B. B. Kofi
Ambassador to the
United States

Editor's Note:—

- (1) This letter has been published unedited.
(2) In our issue (II, 8) we promised to bring to our readers Mr. Manu's reply in this issue. Unfortunately, Mr. Manu has travelled overseas on a short visit. He is, however, expected back before the next issue, and we hope to be able to publish his reply. Meanwhile, we are contacting all concerned in this controversy.

Akosombo Power

SIR—The idea to sell surplus electricity from the Akosombo dam to Ghana's immediate neighbours—Ivory Coast, Upper Volta, Togo and Dahomey—is laudable, as no doubt the plan is likely to earn foreign exchange. Whoever conceived the idea deserves a pat on the back.

Through it all, however, the question arises: Why should we think of supplying "surplus" electricity to countries beyond our borders while most of our towns and cities, not to mention villages, enjoy inadequate or no supply of electricity? Have the authorities concerned surveyed Ghana's needs in electricity supply in the fields of industry and agriculture for, say, the next ten to twenty years? Can they even claim that they have met the demands of domestic consumers? Why, then, should we allow such grandiose plans to cloud our sense of public responsibility? This reminds one of the Food Marketing Board's ridiculous boasts of "exporting" food to other countries at the time when Ghana seems to be passing the hat round for "free" food.

What should engage the attention of the authorities is the abundant supply of cheap electricity throughout the length and breadth of the country. Is this too much to ask for?

c/o Singer Sewing Machine Co.
P.O. Box 2132,
Accra.

K. A. Sasu

Military Tatoo

SIR—Amidst the rumblings and the grumblings which inevitably follow last week's unhappy episode, we mention for credit a superb military tatoo which was organised at Burma Camp on Saturday 15th April by the Medium Mortar Regiment, of the second battalion of the Ghana Army. Visitors were treated to an excellent display of speed and accuracy in the assembly and dismantling of weapons used by the Regiment. Congratulations to Capt. Ekov Jones and his men for a most creditworthy performance. It is good to see that not all brains function solely for disruptive purposes.
Law Faculty
Legon

N. O. Liverpool

Ghana and the N.L.C.

SIR—There have been two recent news releases in British papers which, at the risk of being labelled a Rip van Winkle, I would like to draw attention to.

First, the *Financial Times* has quoted Major-General Sir Edward Spears as saying that the military

government of General Ankrah is "pro-west, pro-capital" and pro a lot of other less objectionable things besides. Is this true? And even if it is, should this preference not be seen in its proper context i.e. merely as the view of an admirable but by no means permanent government?

The *Economist* of 25 - 31 March also says of the Constitutional Commission that its Chairman, "The chief justice, has said, apparently with approval, that it finds widespread support for giving more weight to age, education and property". Education, one can understand, though it is not obvious to me that political acumen is conferred together with a degree. And the more tradition-conscious of us, with a lot of difficulty no doubt, could justify an age bias. But property! The imagination boggles at the prospect of the perversion of occupation which a timber merchant/trade minister constitutes.

Sir, whatever we decide to do, I would be most grateful if you could ensure that I receive my 'Observer' regularly!

Netherhall House,
Nutley Terrace,
London, N.W. 3.

Albert Osei

Banda Betrays Africa.

SIR—I cannot see my way clear in agreeing to your Notebook's scurrilous insinuations on Dr. Banda of Malawi over his latter-day overture with apartheid South Africa (vol. II, No.7). The trouble with us Africans is that in our quest for identification, we tend to overdo certain things.

Apartheid is bad and Banda has said so. But what has the political ideology of another sovereign nation got to do with purely economic relations that should exist between countries? When we talk of "African aspirations" and "the dignity of the African," do we really realise the psychological undertones of schizophrenic narrow-mindedness we expect these jargons to have in us?

I expected your academic journal to view this trade pact issue in a more objective manner. I see Banda's action as most realistic. But if, as your 'Notebook' says, it is "sheer opportunism of the most unrealistic kind," why worry about it anyway
Institute of Journalism,
P.O. Box 667,
Accra.

Francis N. Nwigwe

Classified Advertisement

in

THE
"LEGON OBSERVER"?
Oh, yes; it is here!

Miscellaneous

THE LESSONS OF THE INSURRECTION OF 17TH APRIL

By

Kontopiaat

THE INSURRECTION, or counter-coup attempt, of 17th April was a really great eye-opener, and but for the exorbitant and tragic nature of the price paid, one would have said it was most welcome. It has taught and/or proved quite clearly that:

- (i) At each check point on the roads to Accra, civilians who have specialised in gossiping and rumour-mongering (ignoring the hideous decrees) should be added to the Police and should be equipped with walkie-talkies, for obvious reasons.
- (ii) All civilians should be armed with bows and arrows (since all their firearms have already been taken away, and, more important still, since no foreign exchange is involved), so that they can move in when insurrectionists run out of ammunition. This would have enabled them to have suppressed this insurrection long before 10 a.m.
- (iii) All civilians should learn how to hoot at soldiers, since it was the hooting at the insurrectionary forces by the crowd (consisting mostly of young girls and boys) which boldly assembled by the walls of the Castle from 7 a.m. onwards that suppressed the rebellion, rather than any action of Captain Sowu's.
- (iv) All the officers who were in Accra on that day should either be sacked forthwith or sent for re-training, so as to learn how not to be indecisive or irresponsible, and how to handle counter-coups.
- (v) On the one hand the rank and file are, or should be, feeling humiliated and something should be done to restore their confidence, or else . . . ; and, on the other, the public are going to be increasingly disenchanted with the military regime, which the latter deserves.
- (vi) Besides telephone and radio telephones, which can apparently fail or be sabotaged, the heads of the Army should have other means of communicating with Burma Camp or the Shai Hills, and we would like to suggest pigeons

or dogs, or better still mosquitoes, since these are even more difficult to detect.

- (vii) Members of the N.L.C. should leave to civilians (who should be brought into the N.L.C. forthwith) the opening of bridges, addressing of schools, signing of import, export, and dog licences and title deeds, and going on economic and political delegations, to concentrate henceforth on, and be in more constant touch with, the rank and file of the army and the police.
- (viii) Mr. Akufo-Addo should return immediately from his unnecessary trip round Europe and see that the work of the Constitutional Commission — and that of the Electoral Commission too — is completed with every dispatch, so that there could be an immediate return to civilian rule.
- (ix) A firm date for the return to civilian rule should be fixed forthwith, and this should be, at the latest, February 1969, or else . . .
- (x) The N.L.C. have been over-confident and over-complacent, almost idealistic hitherto; they should now come down from — to borrow Brigadier Afrifa's phrase — their "dizzy heights" to their camps and barracks.
- (xi) Finally, I, Kontopiaat, should be given the enviable Order of Cowardice for failing to rush to the rescue of our Lt.-General and suppressing the coup in a matter of minutes, and so too all the other Major-Generals, Lieutenant-Colonels, Colonels, Majors, Captains, Commodores, and Marshals of the Ghana Armed Forces.

If all these lessons are taken in and implemented, I, Kontopiaat, give the assurance that there will be no more partially-successful counter-coups!
P.S.

I should like to direct to Lt. Arthur and his trigger-happy band a question a friend of mine in Cambridge has just written to ask me: "What the hell do you want *another* coup for?"

TO ALL OUR AGENTS

Please remember that payment for copies ordered should reach us before the next issue of the journal. You are therefore urged to settle due accounts at the earliest date, and in any case before the next issue.

News Summary

(Based on G.B.C. reports)

THE most important news of the week was the counter-coup attempt by a band of rebel soldiers from the Reconnaissance Squadron at Ho and the murder of Lt. Gen. E. K. Kotoka, General Officer Commanding, during the uprising.

In a dawn operation on Monday, April 17 (starting approximately 4.30 a.m.), the rebel soldiers took control of the Army Headquarters (Flagstaff House), the Castle, and Broadcasting House. At 6 a.m., Lt. S. B. Arthur announced on the radio the dissolution of the N.L.C. and the formation of a military junta consisting of Lt.-Col. J. Y. Assasie (of the Parachute Battalion, Tamale) as head, and Major S. M. Asante (3rd Battalion) and Major R. A. Achaab (of the Recce Squadron) as members. The announcement then requested all members of the N.L.C. to report at Flagstaff House, "or they will have themselves to blame." This announcement was repeated at 7 a.m. and 8 a.m.

At approximately 10 a.m., Capt. Sowu of the Recce Squadron in Accra announced on the radio that the attempted coup had been foiled. About an hour later, Mr. J. W. K. Harlley confirmed this in a special broadcast in which he described the attempt to seize power as "tantamount to mutiny".

At 1.45 p.m., Lt.-Gen. Ankrah, Chairman of the N.L.C., gave a press conference at Burma Camp. He disclosed that Lt. Arthur had admitted responsibility for the action in which about 120 others took part, that the three officers named in the junta were in Accra for promotion exercises, but that investigations were proceeding to determine how far they were involved. Here is the release:

Press conference by Lt.-General Ankrah on the attempted coup on 17th April 1967.

I am sure that our friends within and out of Ghana have undoubtedly been disturbed by the events of this morning. As was announced to the public by the Vice-Chairman of the N.L.C., this was an act of a small section of the Recce Regiment. Those responsible for this act are now in custody.

The Ghana Armed Forces as a whole remain loyal to the N.L.C. and there is no cause for alarm.

The N.L.C. wishes to assure the public and the world that the investment climate in Ghana remains undisturbed by this morning's event. The N.L.C.'s policies which have fomented the favourable investment climate remain unchanged and we wish to reiterate that the good name of Ghana and Ghana's attitude towards her friends' neighbours and well-wishers are completely unaffected.

There are presently in Ghana, a number of representatives of foreign firms negotiating with the Government for participation in various enterprises. These negotiations will continue.

The facts of this morning's events are being investigated, and the N.L.C. will issue a full statement as soon as the investigations are completed.

(Issued by the Ministry of Information)
17th April, 1967.

All the members of the N.L.C. except Brigadier Africa and Lt.-Gen. Kotoka, were present. Brigadier Africa was then on a tour of the North, and had taken command of the 5th Battalion of Infantry and the

Paratroop Battalion of the Tamale Garrison. It was not immediately known with certainty the whereabouts of Lt.-Gen. Kotoka, but Lt.-Gen. Ankrah assured the conference that all of the members of the N.L.C. were safe. At 6 a.m. on Tuesday, the sad news of the tragic death of Kotoka was officially announced over Radio Ghana.

In a broadcast at 6.15 p.m. on Tuesday, Lt.-Gen. Ankrah paid tribute to the memory of Lt.-Gen. Kotoka, and announced that a National Trust would be instituted to him as a memorial. Four days of mourning (Tuesday to Friday) were declared.

On Wednesday morning, he was buried at the Armed Forces Cemetery at Osu with full military honours (and a 15-gun salute). The funeral procession was attended by the largest crowd ever assembled anywhere in Ghana. Thousands of men and women broke into bitter tears as the cortege passed by.

A book of condolence was opened at the Castle.

On Saturday, Lt.-Gen. Ankrah held a press conference at the Ministry of Information in order to inform the public about steps the N.L.C. had taken since April 17. Here is a portion of the release:

As you all know, in the early morning of the 17th April, 1967, a detachment of the Recce Squadron stationed at Ho, moved into Accra and attacked the Castle and Flagstaff House. The detachment was led by Lt. S. B. Arthur who was then in temporary command of the Squadron at Ho. There were 2 other officers and 120 men.

3. We would this morning like to tell you the steps we have taken since last Monday.
 - a. Steps have been taken to reinforce the security of the vulnerable points of the Government.
 - b. Service inquiries have begun to investigate:—
 - (i) The circumstances leading to the murder of Lt.-Gen. Kotoka, Capt. Avevor, Capt. Borkloe and Sgt. Osei Grunshie, and
 - (ii) To establish, as far as possible, the origins and the motives of this insurrection.

We hope that these investigations now in progress will cover all possible aspects of the security of the State. Meanwhile, proceedings have begun to try, by Military Tribunal, those who have been identified as being directly responsible for the murder of Gen. Kotoka. This trial will begin next week.

4. This will be followed immediately by the trial of the remainder.
5. Finally, on rumours; It has come to the notice of the Armed Forces Headquarters that there are rumours going round to the effect that the insurrection was planned by Ashantis and Fantis against the Gas and Ewes. This is a wicked rumour which is absolutely untrue.

Captain Avevor who was killed was in charge of ammunition and he refused to give the keys to the insurgents—so they killed him. This could have happened to any other officer. Captain Borkloe lived near Flagstaff House and when he heard the shooting he went to investigate and got killed. It is only an unfortunate coincidence that both officers are Ewes.

6. The Armed Forces as now constituted, reflect a cross-section of all tribes in Ghana. I would like to point out that the rebel forces consisted of soldiers of many tribes in Ghana, including Ewes.
- (Issued by the office of the Press Secretary, N.L.C.)



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