



REPUBLIC OF GHANA

**OFFICE OF THE SPECIAL PROSECUTOR
(OPERATIONS, REGULATIONS, 2018**

(L.I. 2374)

OFFICE OF THE SPECIAL PROSECUTOR (OPERATIONS)
REGULATIONS, 2018

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IN exercise of the power conferred on the Minister responsible for Justice by section 78 of the Office of the Special Prosecutor Act, 2017 (Act 959), these Regulations are made this 23rd day of November, 2018.

Complaints

Initiation of action

1. (1) The Office may act on
 - (a) a complaint lodged by a person who has knowledge of the commission of corruption or a corruption-related offence;
 - (b) a complaint lodged by a victim of corruption;
 - (c) information obtained from an informant or a source of the Office;
 - (d) an investigative journalism report or source;
 - (e) intelligence developed during previous investigations;
 - (f) crime intelligence developed by the Office generally for the prevention, investigation and prosecution of corruption or a corruption-related offence; and
 - (g) a referral from a competent authority.
- (2) The Office may
 - (a) act further to data mining by an intelligence analyst of the Office or any other Government intelligence analyst;
 - (b) initiate an investigation into corruption or a corruption-related offence when facts or circumstances reasonably indicate that investigations may be conducted to prevent or prosecute such criminal activity; and
 - (c) on its own, act on
 - (i) a corruption allegation or corruption-related allegation; or
 - (ii) reasonable suspicion of the commission of corruption or a corruption-related offence.

Lodging of complaint

2. (1) A person specified in paragraph (a) of regulation 1 shall submit the complaint to the Office or to an officer of the Office.
- (2) The complaint may be made
 - (a) in writing,
 - (b) orally,

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- (c) by facsimile, or
- (d) by electronic mail.

(3) Where the complaint is in writing, it shall be addressed to the Special Prosecutor and the complainant or the representative of the complainant shall

- (a) sign,
- (b) thumbprint, or
- (c) authenticate,

the written complaint.

(4) Where the complaint is made orally or by a complainant who cannot read or write, the complaint shall be reduced into writing by

- (a) the officer to whom the complaint is made at the Office, or
- (b) a person chosen by the complainant.

(5) A person who reduces into writing an oral complaint shall

- (a) read and explain the contents of the written complaint to the complainant;
- (b) write on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint; and
- (c) ensure that the complainant signs or thumbprints the written complaint.

Contents of complaint

3. (1) A person who lodges a complaint under paragraph (a) of regulation 1 shall ensure that the contents of the complaint include

- (a) the full name and address of the complainant;
- (b) the body, organisation or person against whom the complaint is made;
- (c) particulars of the nature of the complaint together with copies of any document in support of the complaint; and
- (d) the nature of the corruption or corruption-related offence.

(2) A person who lodges a complaint with the Office or an officer of the Office on behalf of another person shall state in writing the capacity in which that person does so and the reason for acting in that capacity.

Receipt of complaint

4. The Office shall acknowledge receipt of the complaint.

*Office of the Special Prosecutor (Operations) Regulations, 2018**Investigations***Preliminary inquiry or investigation**

5. (1) Where the Special Prosecutor considers a complaint lodged with the Office and determines that the complaint is within the mandate of the Office, the Special Prosecutor or an authorised officer shall assign the complaint

- (a) to a control file or a zero file which shall serve as a repository for complaints of a similar nature which are received and not assigned for immediate investigation but are indexed and saved for future retrieval;
- (b) for a preliminary inquiry or investigation involving some measured review, contact or observation activities in response to the complaint indicating the possibility of the commission of corruption or a corruption-related offence for the purpose of detecting or preventing the commission of corruption or a corruption-related offence; or
- (c) for a full investigation where the facts and circumstances reasonably indicate that an investigation may be conducted to prevent, solve or prosecute corruption or a corruption-related offence.

(2) A preliminary inquiry or investigation under paragraph (b) of subregulation (1) shall be conducted with as little intrusion into the privacy of individuals as the need of the situation permits and shall be terminated when it becomes apparent that a full investigation is not necessary.

(3) The Office may, in the course of a preliminary inquiry or investigation or a full investigation,

- (a) request the services of an officer of a public or private institution,
- (b) request the services of a person with expert knowledge relevant to the subject matter of the preliminary inquiry or investigation, or
- (c) obtain information from any other person in a manner that the Office considers necessary including

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- (i) an examination of the index and files of the Office;
- (ii) an examination of records available to the public and other public sources of information;
- (iii) an examination of available national, regional and local Government records;
- (iv) the interview of the complainant, informants or confidential sources;
- (v) the interview of a potential suspect;
- (vi) the interview of persons who should be readily available to corroborate or deny the truth of the allegation; and
- (vii) physical or photographic surveillance.

(4) Where a preliminary inquiry or investigation fails to disclose sufficient information to initiate a full investigation into the matter, the Office shall terminate the inquiry or investigation and record the fact of the termination in the relevant file.

(5) This regulation applies to an inquiry or investigation which is re-opened.

Full investigation

6. (1) The Office may generally initiate an investigation into corruption or a corruption-related offence when facts or circumstances reasonably indicate that an investigation may be conducted to prevent or prosecute corruption or a corruption-related offence.

(2) Where the Office decides to initiate a full investigation under subregulation (1), the Office shall invite for an interview

- (a) the complainant where necessary;
- (b) a representative of the body, organisation or person against whom the complaint is made; and
- (c) any other person considered necessary for the investigation.

(3) A person appearing before the Special Prosecutor to respond to a complaint shall

- (a) be informed of the particulars of the complaint;
- (b) be afforded a full opportunity to respond to the complaint; and
- (c) appear in person and may be accompanied by counsel.

(4) The Office shall keep a record of the investigation.

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Investigation panels

7. (1) The Office may, for the effective performance of its functions, constitute an investigation panel to investigate a complaint of alleged corruption or a corruption-related offence.

(2) The investigation panel shall cause a designated investigating officer or an authorised officer to take a written investigation statement from a witness and a suspect including cautioned and charged statements to build a complete investigation docket.

(3) A panel constituted under subregulation (1) shall report on a matter the panel has investigated and make recommendations to the Special Prosecutor.

(4) The Special Prosecutor shall consider the report and may

- (a) accept the recommendations;
- (b) reject the recommendations;
- (c) vary the recommendations, based on the evidence contained in the complete investigation docket; or
- (d) direct that further investigations be conducted under the direct supervision of the Special Prosecutor or an authorised officer nominated by the Special Prosecutor.

Profiling of suspect

8. (1) An authorised officer conducting an investigation into an alleged corruption or corruption-related offence may profile a suspect and shall file a report in accordance with Form 1 of the First Schedule as a part of the docket.

(2) The authorised officer shall

- (a) record the personal antecedents of the suspect, including information about the relatives of the suspect;
- (b) take the fingerprint of the suspect electronically or manually;
- (c) take a photograph of the suspect;
- (d) record the business dealings of the suspect ;and
- (e) record bank accounts of the suspect.

Conduct of an authorised officer at a crime scene or scene of search

9. (1) An authorised officer who conducts an investigation or a search at a crime scene, shall

- (a) cordon off the crime scene to clearly demarcate the area;
- (b) seize property found at the crime scene, where necessary; and

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- (c) take an inventory of the seized property in the presence of the suspect or a witness at the crime scene, except if the exigencies otherwise determine; or
- (d) take the necessary action to protect the property which is subject to seizure.

(2) Where due to the exigencies of the circumstances the authorised officer fails to take an inventory of the seized property, the authorised officer shall immediately take an inventory of the seized property after the exigencies cease to exist.

(3) The demarcated area shall be out of bounds for a reasonable period determined by the Special Prosecutor.

(4) Despite subregulation (3) an authorised officer may enter the demarcated area during a search or to conduct investigations at the demarcated area.

(5) A person who enters a demarcated area without the approval of the Special Prosecutor commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than seven hundred and fifty penalty units or to a term of imprisonment of not less than fifteen months and not more than thirty-six months or to both.

Request for information and production of documents

10. (1) The Special Prosecutor shall request for information and production of documents from a person in accordance with Form 2 of the First Schedule.

- (2) The Special Prosecutor shall specify in the request
 - (a) the name, description, category or rank of a person required to provide the information;
 - (b) the type, category or description of a document and information required by the Office; and
 - (c) the date or period within which the information requested for is to be submitted to the Special Prosecutor.

(3) A person who discloses information or produces a document to the Special Prosecutor, shall not be prosecuted or proceeded against for a civil claim in respect of the disclosure or production except where the disclosure or production is for personal gain or made in bad faith.

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Prosecution

Decision to prosecute

11. The Special Prosecutor or an authorised officer shall upon considering the facts and evidence gathered from an investigation, take a decision whether or not to prosecute.

Search, Seizure, Freezing and Confiscation

Entry, search and seizure in an emergency search

12. (1) An authorised officer in an emergency search of suspected tainted property or for suspected tainted property may

- (a) enter any premises and search for, seize and detain suspected tainted property;
 - (b) search a person who is in or on the premises and for the purposes of the search, detain that person and remove that person, to a place that is necessary to facilitate the search;
 - (c) arrest a person who is in or on the premises who has possession of
 - (i) property liable to seizure or confiscation under the Act, or
 - (ii) suspected tainted property;
 - (d) seize and detain a book or document found in or on the premises or on that person;
 - (e) break open, examine and search an article, a container or a receptacle, or
 - (f) stop, search and detain a means of conveyance.
- (2) The officer may
- (a) break open an outer or inner door or window of the premises which is the subject of a search and enter the premises;
 - (b) forcibly enter the premises and every part of the premises; or
 - (c) remove by force, an obstruction to the entry, search, seizure or removal that the officer is empowered to effect.

Search of persons

13. (1) A search of person by an authorised officer may extend to a medical examination of the body of that person externally and internally by a medical practitioner.

(2) A female shall be searched by a female officer or by a medical practitioner.

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Search warrant

14. (1) Upon an application ex parte made to a Court by the Special Prosecutor, the Court may issue a search warrant for a search to be conducted in accordance with section 33 of the Act.

(2) An authorised officer who conducts a search under subregulation (1) shall prepare an inventory of property seized, other than currency in accordance with Form 3 of the First Schedule.

Seizure and detention of currency suspected to be proceeds of corruption

15. Where an authorised officer seizes currency suspected to be proceeds of corruption, that authorised officer shall

(a) complete a currency seizure form as specified in Form 4A of the First Schedule; and

(b) issue a currency seizure notice in accordance with Form 4B of the First Schedule to the suspect, pending investigation.

Seizure of suspected tainted movable property

16. (1) An authorised officer may, on reasonable grounds, seize movable property that is suspected to be tainted in accordance with section 32 of the Act.

(2) The authorised officer effecting the seizure shall prepare a movable property seizure notice as specified in Form 5 of the First Schedule.

(3) The movable property seizure notice

(a) shall state the grounds for the seizure; and

(b) shall be served on the owner, controller or the person in possession of the property as soon as practicable if the whereabouts of the owner, controller or person in possession of the property is known, but **was not present** when the seizure was effected.

(4) An aircraft or a ship belonging to a **person carrying** on a regular lawful passenger or freight service within the country or to and from the country shall not be seized except where

(a) prosecution for a corruption or corruption-related offence connected with the aircraft or ship is to be instituted; or

(b) seizure proceedings are to be taken against the operator of the aircraft or the master of the ship.

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Seizure of suspected tainted immovable property

17. (1) Where an authorised officer on reasonable grounds seizes immovable property that is suspected to be tainted in accordance with section 33 of the Act, the authorised officer shall

- (a) complete an immovable property seizure notice as specified in Form 6 of the First Schedule; and
- (b) where appropriate, cause an inventory of the fixtures in or on the seized property to be taken as specified in Form 7 of the First Schedule.

(2) The seizure of the immovable property shall, where possible, be effected

- (a) by posting a copy of the seizure notice in a conspicuous position on the immovable property;
- (b) by lodging a copy of the seizure notice at the Lands Commission; and
- (c) by publication in the *Gazette*, a newspaper of national circulation, electronic media and on the official website of the Office.

(3) The Registrar of Lands shall make an entry in the appropriate register of the terms of the seizure notice.

(4) The entry in the register freezes the immovable property and any subsequent transaction in respect of the immovable property shall not be registered whether it was lodged before or after the lodgment of the seizure notice or the making of the entry.

Property tracing

18. (1) In furtherance of section 70 of the Act, an authorised officer shall complete a property tracing form as specified in Form 8 of the First Schedule to prevent the transfer, concealment or disposal of suspected tainted property.

(2) The Special Prosecutor may apply to the Court for an order to produce the document where there are reasonable grounds to believe that it will facilitate the investigation and tracing of suspected tainted property.

Freezing of property

19. (1) The Special Prosecutor shall issue a freezing notice in accordance with section 38 of the Act where the Special Prosecutor considers it necessary to facilitate an investigation or prosecution.

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(2) The freezing notice shall be

(a) as specified in Form 9 of the First Schedule; and

(b) confirmed by the Court within fourteen days after issuance.

(3) Where the Court confirms a freezing order, the Special Prosecutor shall issue a notice of confirmation of freezing as specified in Form 10 of the First Schedule.

(4) A notice of freezing and a notice of confirmation of freezing shall be served

(a) directly on the person who owns, has possession of, or is in direct control of the property; or

(b) on the official liquidator of a company holding realisable property where the company is being wound up.

(5) The notice of freezing or notice of confirmation of freezing may also be served on the Bank of Ghana and any other financial institution to assist the Office in the freezing of a bank account.

(6) The Special Prosecutor may request the Court to include in a freezing confirmation order, to be served on the Bank of Ghana or a financial institution, the

(a) bank account details of the suspect,

(b) account opening details of the bank account, and

(c) details of the transactions by a financial institution which have been made or are intended to be made on the account.

(7) A person who uses suspected tainted property, despite a notice of freezing or notice of confirmation of freezing, commits an offence and is liable on summary conviction

(a) in the case of an individual, to a fine equivalent to three times the value of the tainted property or to a term of imprisonment of not less than two years and not more than four years or to both; or

(b) in the case of an entity, to a fine equivalent to four times the value of the tainted property.

Declaration of property and income

20. (1) The Special Prosecutor may, by notice as specified in Form 11A of the First Schedule, request a suspect to make a declaration of the property and income of the suspect as specified in Form 11B of the First Schedule.

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(2) A suspect who has been served with a notice under subregulation (1) shall make the declaration as specified in Form 12 of the First Schedule within thirty days after receipt of the notice.

Property seized in the absence of proceedings or claim

21. (1) Property seized by an authorised officer shall revert to the owner of the property at the end of six months from the date of seizure, if

- (a) prosecution for an offence is not instituted in respect of the seized property;
- (b) proceedings are not commenced by the Special Prosecutor in Court for the confiscation of the property; or
- (c) a claim in writing has not been made by a third party for the property within six months after the date of its seizure.

(2) Where, within six months after the date of the seizure of property, a third party claim is made in writing, the Special Prosecutor shall

- (a) release the property to the claimant, if satisfied that there is no dispute as to the ownership of the property and that it is not liable to seizure; or
- (b) if satisfied that there is dispute as to the ownership of the property or doubt as to the person who owns the property, refer the claim within fourteen days after the end of six months to the Court for its decision.

Management of Seized, Frozen or Confiscated Property

Management of perishable, hazardous or dangerous property

22. Where property seized by an authorised officer is perishable, hazardous or dangerous, that authorised officer shall, without delay, apply to the Court, on notice, for an order to dispose of the property as soon as practicable.

Management of currency suspected to be proceeds of corruption

23. (1) An authorised officer who seizes currency suspected to be proceeds of corruption or a corruption-related offence shall, as evidence, deposit the currency into an interest-bearing bank account.

(2) Where the currency is held by a financial institution prior to a freezing order, the authorised officer shall request for the transfer of the currency from that financial institution to an interest-bearing bank account specified by the Special Prosecutor.

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(3) Where the currency is in the form of a negotiable instrument, the authorised officer shall liquidate the instrument and deposit the amount in an interest-bearing bank account.

Asset recovery and preservation agreement

24. The Special Prosecutor may

- (a) in furtherance of section 77 of the Act, liaise with an institution outside the country for the preservation of assets obtained from the commission of corruption or a corruption-related offence outside of the country; or
- (b) enter into an agreement to facilitate the recovery and preservation of assets.

Appointment of receiver

25. The Special Prosecutor may apply to the Court for the appointment of a receiver

- (a) to manage and preserve realisable property to which a freezing order has been made, pending the conclusion of criminal proceedings; or
- (b) where a confiscation order has been made by the Court after conclusion of criminal proceedings and the defendant cannot or will not voluntarily release the assets.

Receivership agreement

26. Where the Court is satisfied with an application under regulation 25, the Court shall give the receiver a letter of appointment which shall specify the terms of agreement including

- (a) records to be kept by the receiver;
- (b) accounts to be made by the receiver;
- (c) report findings and cost estimates of the receiver;
- (d) powers of the receiver; and
- (e) remuneration and expenses for the receiver.

Duties of a receiver

27. A receiver shall

- (a) inform all parties to the case, of the appointment of a lawyer or other agent;
- (b) request a monthly bill from the lawyer or other agent and ensure that costs incurred are reasonable and proportionate; and
- (c) notify all parties to the case, of an increase in the bill of a lawyer or other agent.

*Office of the Special Prosecutor (Operations) Regulations, 2018***Reporting requirement of a receiver**

28. (1) A receiver who is appointed in accordance with these Regulations, shall file a report with the Court within twenty days after the appointment and subsequently every quarter of the year.

(2) A report filed under subregulation (1) shall include

- (a) an update of the costs incurred,
- (b) the work carried out,
- (c) the projected costs until the next report,
- (d) a summary of how those costs were attached to the matters that led to the appointment of the receiver and where appropriate, an estimated final outcome; and
- (e) a statement that the receiver believes that the costs are reasonable and proportionate in the circumstances.

(3) Where the receiver is unable to comply with the requirements under subregulation (2), the receiver shall

- (a) furnish the Court with written reasons; and
- (b) serve copies on all parties.

(4) A party under subregulation (3) may seek directions from the Court.

Powers of a receiver in relation to realisable property

29. A receiver appointed under these Regulations may

- (a) take possession of the property;
- (b) manage or otherwise deal with the property including
 - (i) selling of the property, part of the property or any interest in the property;
 - (ii) carrying on or arranging for another person to carry on any trade or business which are part of the property;
 - (iii) incurring capital expenditure in respect of the property;
- (c) start, carry on or defend any legal proceedings in respect of the property;
- (d) realise so much of the property as is necessary to meet the remuneration and expenses of the receiver;
- (e) enter any premises and carry out any of the following:
 - (i) search for or inspect anything authorised by the Court;

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- (ii) make or obtain a copy, photograph or other record in relation to the property;
 - (iii) remove anything which the receiver is required or authorised to take possession of in pursuance of an order of the Court; and
- (f) order any person who has possession of realisable property which is frozen, to give possession of that property to the receiver.

Miscellaneous Provisions

Memorandum of understanding to be executed by the Office

30. Pursuant to section 73 of the Act, the Office may execute a Memorandum of Understanding with a security agency or any other public institution of relevance.

Prevention of corruption

31. (1) The Office may receive, collect and collate reports, documents, materials, complaints, allegations, information and intelligence to undertake the following measures to prevent corruption:

- (a) analysis of the risk of corruption;
- (b) anti-corruption programmes;
- (c) anti-corruption assessment of legislation and draft legislation;
- (d) provision of information in relation to persons applying for or holding a position in the Ministries, Departments and Agencies;
- (e) provision of information to the Public Services Commission or other legal entities;
- (f) education and information of the public;
- (g) publicising detected acts of corruption; and
- (h) other corruption measures provided by law.

(2) The Office shall identify the causes that advance corruption to facilitate the prevention of corruption including

- (a) deficiencies in regulatory enactments, regulations or procedures;
- (b) deficiencies in administration of instructions, including lack of internal control mechanisms or deficient mechanisms;

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- (c) individual interest, including greed, lack of ethicalness and legal awareness; and
- (d) external influences, including public attitude, culture and traditions.

Identification card of an officer

32. (1) The Office shall issue an identification card to an authorised officer.

(2) The identification card shall, among others, have the

- (a) passport-sized photograph of the officer,
- (b) staff number of the officer,
- (c) name of the officer, and
- (d) rank of the officer.

(3) The identification card shall

- (a) be signed by the Special Prosecutor; and
- (b) remain the property of the Office.

(4) An authorised officer who loses an identification card shall report the loss to the Special Prosecutor within twenty-four hours after the officer becomes aware of the loss.

(5) An authorised officer who fails to report the loss of the identification card is liable to disciplinary action.

(6) An authorised officer shall return the identification card to the Office when the authorised officer

- (a) resigns,
- (b) retires,
- (c) is dismissed, or
- (d) is unable to discharge the duties of that Officer for any stated reasons.

(7) Where an officer dies, the representatives of that officer shall return the identification card to the Office.

Use of special equipment

33. (1) An authorised officer may carry and use a special equipment for a particular assignment.

(2) An authorised officer shall undergo the requisite training by the Office in order to use a special equipment.

(3) The carrying or use of special equipment shall only be with the permission of the Special Prosecutor.

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(4) The Special Prosecutor shall approve the carrying or use of special equipment in writing.

(5) An authorised officer or an officer on secondment from an institution to the Office who uses special equipment without the approval of the Special Prosecutor is liable to disciplinary action for a serious breach of discipline by the Special Prosecutor.

(6) The Special Prosecutor shall, by guidelines, specify the list of special equipment.

Discipline of officers and other employees on secondment

34. An officer or an employee who is seconded to the Office, shall subscribe to a written undertaking to be bound by the disciplinary code of the Office instead of the disciplinary code of the institution of that officer or employee.

Oath of Office and Oath of Secrecy

35. (1) A person,

(a) employed by the Office, or

(b) authorised to perform a function of the Office

shall take and subscribe to the Oath of Office and Oath of Secrecy set out in the Second Schedule before assuming Office or performing a function.

(2) A person who objects to taking an oath may make an affirmation instead and the oath shall be varied accordingly.

(3) The Oath of Office and Oath of Secrecy specified in the third column of the Second Schedule shall be sworn or affirmed by the person in the first column and be administered by the person specified in the second column of that Schedule.

(4) A person who breaches the Oath of Office or Oath of Secrecy commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than one year or to both.

Declaration of assets

36. An officer or any other employee of the Office shall submit to the Auditor-General a written declaration of assets and liabilities of that officer or employee of the Office in a specified form in accordance with section 1 of the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550).

*Office of the Special Prosecutor (Operations) Regulations, 2018***Periodic vetting**

37. (1) The Office may cause to be vetted
- (a) an officer; or
 - (b) any other employee of the Office.
- (2) An officer or any other employee of the Office who fails to be vetted when directed by the Special Prosecutor is liable to summary dismissal.
- (3) The Board shall determine the procedure for the periodic vetting of the Special Prosecutor and the Deputy Special Prosecutor.
- (4) An officer or any other employee of the Office whose vetting discloses the concealment of information by that officer or employee, breach of law or other commission or omission that negatively affects the integrity of the officer or employee is liable to summary dismissal.

Oath of Disengagement

38. (1) An employee shall subscribe to the Oath of Disengagement set out in the Second Schedule when leaving the employment of the Office.
- (2) A person who breaches the Oath of Disengagement commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than one year or to both.

Compensation

39. (1) The Special Prosecutor may apply to Court for compensation to be paid to a victim of a corruption or corruption-related offence under the Act.
- (2) Despite subregulation (1), a victim of a corruption or corruption-related offence or the personal representative of that victim may apply to Court for compensation to be paid to that victim.

Interpretation

40. In these Regulations, unless the context otherwise requires,
- “antecedents” includes personal history of an individual and the personal history of the immediate family of that person;
 - “crime scene” means a place where
 - (a) a crime has been committed or is suspected to have been committed; or
 - (b) a search for tainted property is being or has been conducted;

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- “document” includes a record of information and anything on which writing, marks, figures and symbols appear, or anything from which sounds, images or writing can be produced with or without the aid of something else, a map, plan, drawing, photograph or a medium or device by which information is recorded or stored;
- “data mining” means the practice of examining large pre-existing databases in order to generate new information;
- “emergency” means an imminent occurrence of a situation that is out of the ordinary and that threatens to endanger a person, public safety or cause damage to property;
- “employee” means a person employed to provide services for the Office on a permanent, secondment, attachment, temporary or contractual basis,
- “financial institution” means an institution that undertakes as a business one or more of the following activities or operations for or on behalf of a customer:
- (a) acceptance of deposits and other repayable funds from the public;
 - (b) lending;
 - (c) money or value transfer services;
 - (d) the issue and management of means of payment such as credit and debit cards, cheques or traveller’s cheques;
 - (e) financial guarantees and commitments;
 - (f) trading in
 - (i) money market instruments;
 - (ii) foreign exchange;
 - (iii) exchange, interest rate and index instrument;
 - (iv) transferable securities, and
 - (v) commodity futures trading;
 - (g) participation in securities issues and the provisions of financial services related to the issue of securities;
 - (h) individual and collective portfolio management;
 - (i) safekeeping and the administration of cash or liquid securities on behalf of other persons;

L.I. 2374*Office of the Special Prosecutor (Operations) Regulations, 2018*

- (j) any other investing, administering or management of funds or money on behalf of other persons;
 - (k) underwriting and the placement of life insurance and other investment related insurance; and
 - (l) money and currency changing;
- “financial interest” means a contribution of money or any item of value, which is capable of being given a monetary value;
- “information” includes books and documents and details from a safe deposit box, financial institutions, company, firm, association, society or other body directly or indirectly related to a serious offence within or outside the country;
- “intelligence analyst” means an officer or government employee who pieces together information from a variety of sources in order to assess threats and prevent attacks from interior and exterior enemies;
- “material” includes tape, rope and anything suitable to demarcate an area;
- “means of conveyance” includes motor vehicle and motorcycle, animal, bicycle, aircraft, sea-going vessel, any means by which a person or property can be conveyed from one point to another ;
- “medical practitioner” means a person registered to practice medicine under the Health Professions Regulatory Bodies Act, 2013 (Act 857);
- “out of bounds” means a place that has restricted access;
- “personal details” include information on personal property and income, assets and liabilities, marital status and place of residence;
- “special equipment” means a weapon or any other tool determined by the Special Prosecutor by guidelines to be carried or used by an authorised officer or an officer on secondment from an institution to the Office for a specific assignment;
- “transaction” includes an act which established a right or obligation or gives rise to a contractual or legal relationship and any movement of funds by a financial institution; and
- “writing” includes letter, electronic mail and facsimile.

Office of the Special Prosecutor (Operations) Regulations, 2018

**FIRST SCHEDULE
FORM 1**

(regulation 8 (1))

CHECK LIST FOR PROFILING OF SUSPECT

1. Name of suspect	
2. Age	
3. Date and place of birth	
4. Residence	
5. Hometown	
6. Telephone contact	
7. Verification from service provider	
8. Profession and vocation	
9. Office or trade address or location	
10. Photograph	(Attach above)
11. Fingerprints	(See back/attached)
12. Particulars of immediate relatives (a) Spouse (b) Children/Wards (c) Father (d) Mother (e) Personal Representative	

Office of the Special Prosecutor (Operations) Regulations, 2018

13. Bank accounts	(Use additional sheets if necessary.)
14. Other financial assets	
15. List of movable properties and location	(Use additional sheets if necessary.)
16. National identification	
17. Other identification	
18. Particulars	Include, name, residential address, postal address, etc. (Use additional sheets if necessary.)
19. Schools attended and dates	(Use additional sheets if necessary.)
20. Declaration of previous conviction or arrest, if any.	(Use additional sheets if necessary.)

(Please use additional sheets for any item, if necessary and attach.)

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 2

(regulation 10 (1))

REQUEST FOR INFORMATION AND PRODUCTION OF DOCUMENTS

Our Ref

Your Ref

Date:

(Address of recipient)

Dear Sir / Madam,

REQUEST FOR INFORMATION AND PRODUCTION OF DOCUMENTS

You are requested to submit toat on
..... the day of 20.....
at a.m. the following documents:

.....
.....
.....
.....
.....
.....

(Please add additional sheets if necessary)

DATED AT / IN THIS DAY OF 20.....

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 3
(regulation 14 (2))

**INVENTORY OF ITEMS SEIZED OR DETAINED DURING A SEARCH BY AN
AUTHORISED OFFICER**

Rank and name of officer.....

Station address.....

Rank and Name of Team Leader.....

Unit/Department.....

Time and date of search.....

Name of person or type/description of property searched.....

Location of search.....

Court which issued the search warrant (if applicable).....

Date of issue of search warrant (if applicable).....

No.	Type of Item Seized	Particulars of item seized	Serial number (if any)	Condition or remarks
1.				
2.				
3.				
4.				
5.				
6.				

(Continue on additional sheet if necessary)

I certify that the particulars of the search and seizure are true.

DATED AT/IN THIS DAY OF 20.....

.....
Signature of item/premise owner

.....
Signature of officer or police officer

.....
Signature of witness

.....
Signature of witness

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 4A
(regulation 15 (a))

CURRENCY SEIZURE FORM

Rank and name of officer

Unit /Department.....

Time and date of seizure

Place of seizure.....

Name and address of suspect

.....

.....

Country of conveyance of currency.....

Declared Purpose of conveyance of currency to or from this country.....

Particulars of declaration for conveyance of currency to or from this country.....

No.	Type of Currency seized	Denomination	Serial number	Condition or remarks
1.				
2.				
3.				
4.				
5.				
6.				

(Continue on additional sheet if necessary)

Signature and Date of Officer.....

I certify that these particulars truly reflect the facts related to the seizure of currency from me and that I agree with all the facts stated in this declaration as being true and correct.

DATED AT / IN THIS.....DAY OF20.....
Signature of person conveying currency to or from this country.....

Signature of witness Date.....

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 4B
(regulation 15 (b))

CURRENCY SEIZURE NOTICE

To

TAKE NOTICE that the under-mentioned amount of currency is liable to forfeiture and you should within one calendar month from the date of this notice give notice in writing to the Office.

In default of such notice the currency shall be deemed to have been lawfully forfeited to the State. If you give notice of claim or intended claim within the time specified above, legal proceedings for the forfeiture of the currency will commence.

Place / Date / Time.....
Place/Date/Time.....

.....
Authorised Officer
.....

Person from whom
currency was seized.

*Must be issued in triplicate

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 5

(regulation 16 (2))

MOVABLE PROPERTY SEIZURE NOTICE

NOTICE OF SEIZURE OF MOVABLE PROPERTY

To.....
.....

TAKE NOTICE that the under-mentioned property liable to forfeiture under the laws of the Republic of Ghana has this daybeen seized .

.....
.....
.....

If you claim or intend to claim that the said property is not liable to forfeiture you should within one calendar month from the date of this notice give notice in writing to the Office of the Special Prosecutor. In default of such notice the property shall be deemed to have been lawfully forfeited to the State. If you give notice of claim or intended claim within the time specified above, legal proceedings for the forfeiture of the property will commence.

Place/Date/Time
.....
Authorised Officer

Place/Date/Time
.....
Person from whom property was seized.

*Must be issued in triplicate

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 6
(regulation 17 (1)(a))

IMMOVABLE PROPERTY SEIZURE NOTICE

Address of recipient
Dear Sir/Madam,

NOTICE OF SEIZURE OF IMMOVABLE PROPERTY

PLEASE TAKE NOTICE that this Office has seized the property which is under your control/in your possession/owned by you pending investigation upon reasonable grounds that the property, the particulars of which are attached as Form 7 – Appendix “A” are suspected as:

- (a) proceeds of corruption or a corruption-related offence; or
- (b) tainted property.

PLEASE BE ADVISED THAT ANY PERSON who claims any interest in the property which has been seized may apply to the court within thirty days after this date for an order that the property be returned to the claimant.

DATED AT/INTHISDAY
OF.....20....

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 7
(regulation 17 (1)(b))

INVENTORY OF FIXTURES OF IMMOVABLE PROPERTY

Rank and Name of authorised officer.....
 Unit /Department.....
 Time and Date of seizure.....

 Name and Address of suspect/owner/
 keeper of seized property.....

No.	Type of fixture	Location in/on the property	Condition or remarks
1.			
2.			
3.			
4.			
5.			
6.			

(Continue on additional sheets if necessary)

I certify that the particulars of the fixture(s) in /on.....
 which has been seized per my order dated.....issued
 pursuant to the Act, and as stated, are to the best of my knowledge, true
 and correct.

DATED AT/IN..... THIS.....DAY OF.....20.....

Signature of suspect/owner/keeper of seized property Signature of authorised officer

.....
 Signature of witness

.....
 Signature of witness

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 8
(regulation 18 (1))

PROPERTY TRACING

Name of authorised officer.....
 Rank and divisional address.....
 Time and date of action.....
 Type of Property

Location/ address of property.....

Name and address of suspect/owner.....

History / root of title of property

Person in control or custody.....

Address Contact

No.	Type of property	Nature of risk	Risk rating (high/medium/low)	Basis for rating	Condition or remarks
1.					
2.					
3.					
4.					
5.					
6.					

(Continue on additional sheet if necessary)

I certify that the tracing of the property mentioned is necessary in order to prevent the concealment or destruction of property with the view to obliterate evidence.

DATED AT / IN.....THISDAY OF.....20.....

.....
SIGNATURE OF AUTHORISED OFFICER

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 9
(regulation 19 (2)(a))

ORDER OF FREEZING

Address of recipient
Dear Sir/ Madam,

ORDER OF FREEZING

PLEASE TAKE NOTICE that this Office has directed the freezing of the bank accounts ofwith your bank pending investigations into suspected corruption or corruption-related offence. This order takes immediate effect and shall apply to any account and other financial assets held by the within-named person with any branch of your bank.

Until this order is revoked or lapses your bank shall not allow any transaction on the account without the written authority of the Office, except the following:

- (a) deposits/credits into the account including but not limited to cash, transfers from other sources;
- (b) interest (if any);
- (c) deposits/credit resulting from the encashment of financial instruments such as treasury bills, bonds, shares, bills of exchange, etc.; and
- (d) additions to financial assets from other sources

Further, in pursuance of investigations, you are requested to co-operate and to furnish the Office with the following:*

.....
.....

Please be advised accordingly.*Use additional sheets if necessary.

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 10
(regulation 19 (3))

NOTICE OF CONFIRMATION OF FREEZING

Address of recipient
Dear Sir/Madam,

NOTICE OF CONFIRMATION OF FREEZING

PLEASE TAKE NOTICE that this Office has frozen/ordered the freezing of the following :*

.....
.....
.....

(Please add additional sheets if necessary)

PLEASE TAKE FURTHER NOTICE that the order is pursuant to investigation into suspected corruption and corruption-related offences

.....
.....
.....

(Please continue on additional sheets)

Please take notice that any contract or arrangement you make in respect of any of the financial assets covered by this freezing order shall be of no effect.

You are further to take note that any person who contravenes this freezing order without the written consent/authority of the Office commits an offence and is liable to be prosecuted.

* Attach copy of Court Order confirming freezing where appropriate

** Delete whichever is not applicable

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 11A
(regulation 20 (1))

NOTICE TO DECLARE PROPERTY AND INCOME

Address of recipient

Dear Sir/Madam,

NOTICE TO DECLARE PROPERTY AND INCOME

PLEASE TAKE NOTICE that, this Office hereby requests you to make a declaration of your property and income per the attached Declaration of Property and Income Form.

Please take further notice that you must lodge two (2) signed copies of the Form with the **Special Prosecutor** within **thirty** days after receipt of this notice.

*Please take notice further that

- (a) you commit an offence if you fail to make the declaration of property and income within **thirty** days after this notice,
- (b) you commit an offence if you intentionally or negligently fail to disclose any information required to be disclosed in the attached Declaration of Property and Income Form, and
- (c) the property or income which has not been declared is liable to confiscation to the Republic.

.....
THE SPECIAL PROSECUTOR

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 11B
(regulation 20 (1))

DECLARATION OF PROPERTY AND INCOME FORM

PLEASE READ EVERYTHING VERY CAREFULLY AND MAKE SURE YOU UNDERSTAND EVERYTHING BEFORE YOU COMPLETE THIS FORM

This Form must be completed in BLOCK LETTERS or typed. Each item is to be completed.

If any item does not apply, write “all” or “none” or “not applicable” in the space.

Where necessary extra sheets may be used and attached to the Form.

Please sign your signature at the bottom of all pages.

I
.....having been charged with an offence, and having been duly notified by the Office to declare any property and income in accordance with the provisions of the Act, do hereby declare my property and income as follows:

1. Amount held

(a) Cash in hand. Please state type of currency and total amount in each currency

(b) Cash in hand in Ghana. Please state name (s) of bank(s) branch(es) of bank(s) name(s) in which bank account(s) is held and the account number(s).

.....
.....
.....

(c) Cash at bank outside Ghana. Please state name(s) of bank(s), branch(es) of bank(s), name(s) in which bank account(s) is held, and the account number(s)

Office of the Special Prosecutor (Operations) Regulations, 2018

2. Amount held on behalf of or as trustee for any person other than your spouse(s):

(a) Cash in hand

(b) Cash at bank. Please state name(s) of bank(s), branch(es) of banks, name(s) in which bank account(s) is held and the account number(s).....

3. Amount held on your behalf or in trust for you by any person. Please give names and address of the person(s) and all other particulars and details.

.....

4. Loans or advances made by you. Please give particulars and details

.....
.....

5. Loans or advances received by you. Please give particulars and details

.....
.....
.....

6. Amount held on behalf of or as trustee of spouse(s) partner or any such relation. Please give particulars and details.

(a) Cash in hand

(b) Cash at bank. Please state name(s) of bank(s), branch(es) of banks, name(s) in which bank account(s) is held, and the account number(s).

.....

7. Properties, expected to be received. Please give particulars

.....

8. Property disposed of within the last five years. Please give particulars, including details of any amount realised.

.....

Office of the Special Prosecutor (Operations) Regulations, 2018

9. Source(s) of income. Please give particulars and details

.....
.....

10. Government securities, including premium bonds and other interest (s) held in companies, firms or partnerships (giving names of companies, firms and partnerships):

(a) By you. State the Bonds, etc, and the name(s) in which they are held

.....
.....

(b) By spouse(s) on your behalf or in trust for you. State the bonds, and the name(s) in which they are held.

(c) By children on your behalf or in trust for you. State the bonds, etc, and the name(s) in which they are held.

.....

(d) By any other persons /entry on your behalf or in trust for you. State the bonds, etc, and the name(s) in which they are held.

.....
.....

11. Property in Ghana in which you have interest and dates when acquired

(a) Land. (Please give details)

.....

(b) Buildings. (Please give details)

.....

(c) Other property (if any).(Please give details)

.....

Office of the Special Prosecutor (Operations) Regulations, 2018

12. Membership, ownership, directorship, shareholding, or other related interest in

(a) A company incorporated in Ghana. (Please give particulars and details).

.....
.....

(b) A company incorporated outside Ghana. (Please give particulars and details)

.....
.....

(c) A partnership or sole proprietorship. (Please give particulars and details).

.....
.....

13. Property outside Ghana in which you have interest and dates acquired.

(a) Land. (Please give details)

.....
.....

(b) Buildings. (Please give details).

.....
.....

14. Property held by any person on your behalf (in or outside Ghana and which is already not stated in here)

(a) Cash in hand. Please state name(s) of persons, address and other particulars and details.

.....
.....

Office of the Special Prosecutor (Operations) Regulations, 2018

(b) Cash in hand. (Please state name(s) of bank(s) branch(es) of banks, name(s) on which account(s) is held, and the account number(s)).
.....

(c) Land. (Please give details and particulars)
.....

(d) Other properties. (Please give particulars and details).

I hereby acknowledge that I have carefully read all the instructions and notices. I have also read, sought for and had all the explanations which I need in order to complete these forms. I wish to state that I understand all requirements expected of me in completing this Form. I have directed/ provided all my property and income as required and have provided the information I have been required to declare/provide. I declare that I personally completed the forms as required/ the forms were completed for and on my behalf by who read everything to me and that I agree with the comments as provided.

I understand that it is an offence if I

- (i) fail to make a declaration of my property and income and lodge two (2) signed copies of the declaration with the **Special Prosecutor** within **thirty** days of the attached notice;
- (ii) knowingly make a declaration that is false; or
- (iii) intentionally or negligently fail, neglect or refuse to make a declaration or furnish any information required.

I further understand that any property or income which is not declared is liable to confiscation to the Republic.

Office of the Special Prosecutor (Operations) Regulations, 2018

Signature Date.....
Name of Witness
Address of Witness
.....
Signature of Witness

Office of the Special Prosecutor (Operations) Regulations, 2018

FORM 12

(regulation 20 (2))

**COMPLIANCE WITH NOTICE TO DECLARE
PROPERTY AND INCOME**

The Special Prosecutor

Dear Sir/Madam,

**DECLARATION OF COMPLIANCE WITH NOTICE TO
DECLARE PROPERTY AND INCOME**

I
.....
of

having duly received a request to make a declaration of my property and income on....., theday of.....20.....do hereby declare that:

- (1) I have carefully acquainted myself with the requirement of the declaration of property and income which I am required to make to the Special Prosecutor;
- (2) I have sought the clarification and assistance required to be able to understand the requirements and complete the Form;
- (3) I have duly completed the Form as required;
- (4) I have lodged two signed copies with the Special Prosecutor on theday of.....20..... ;and

Signature

*Office of the Special Prosecutor (Operations) Regulations, 2018***SECOND SCHEDULE***(regulations 35 and 38)***OATHS**

Persons required to take Oath	Person before whom the Oath is to be sworn	Oath
Officers and other employees of the Office	Minister, or High Court Judge or another person designated by the Chief Justice	<p>(a) Oath of Office</p> <p>Ido solemnly (sincerely and truthfully) swear (or affirm) that I will faithfully and honestly fulfill my duties as a member of this Office in conformity with the Act and the Regulations and instructions issued under the Act. (So help me God)</p>
		<p>(b) Oath of Secrecy</p> <p>Ido solemnly (sincerely and truthfully) swear (or affirm) that I will not disclose or make known any matter or thing that comes to my knowledge by reason of my employment without due authority. (So help me God).</p>

Office of the Special Prosecutor (Operations) Regulations, 2018

<p>Each employee leaving the employment of the Office</p>	<p>In the case of the Special Prosecutor or Deputy Special Prosecutor, the Chairperson of the Governing Board. In the case of any other employee, the Special Prosecutor or Deputy Special Prosecutor.</p>	<p>(c)Oath of Disengagement</p> <p>I.....having served an as officer in this Office in various capacities do solemnly (sincerely and truthfully) swear (or affirm) that I will not disclose or make known any matter or thing that came to my knowledge by reason of my employment without permission from the Office (So help me God)</p>
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GLORIA AFUA AKUFFO (MISS)

Attorney-General and Minister responsible for Justice

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