



23rd February, 2016.

The Chairman
Parliamentary Select Committee on Defence and Interior
Parliament House
Accra

Dear Sir,

OCCUPYGHANA® OBJECTS TO THE INTERCEPTION OF POSTAL PACKETS AND TELECOMMUNICATION MESSAGES BILL

OccupyGhana® has followed with keen interest discussions on the “Interception of Postal Packets and Telecommunication Messages Bill”. We will make detailed remarks about the idea in a later publication and possibly testify before the respective Parliamentary Committee. Meanwhile we are by the observations below registering our opposition to the passing of this Bill by the Parliament of Ghana:

1. A Bill of such nature, with the capacity to heavily intrude private lives with possible commercial implications cannot be rushed through Parliament, having earlier been reclusively published in the newspapers. Were its merits candid and open, enough airtime and town hall discussions must have ensued before our legislators consider it. As it is overly dangerous in its concept and affront to our liberties in practice, it must be sufficiently discussed not least three months before consideration by the House.
2. The ease with which any lay person can deduce the long arm of Executive in this sensitive Bill and its outcomes should tell it is compromised ab initio. The National Security Coordinator, a handpicked appointee of the Executive, is mandated by the Bill to approve and request for warrants. Since he is a direct appointee, we cannot vouch for his unfettered neutrality and integrity. Our recent history as a country bears us out.
3. The Bill does not follow important international legal best practices, which require that such a Bill must be guided and moderated by related Acts of Parliament. In

the UK, there are the Regulation of Investigatory Powers Act 2000 and Data Retention and Investigatory Powers Act, which guides how “serious crime” perpetrators are investigated. Ghana’s Data Protection Act is not enough to protect the privacy of innocent Ghanaians.

4. The purpose of the Bill stated as “protecting national security, fighting crime generally and in particular suppressing organized crime including money laundering, terrorism, narcotic trafficking and other serious offences and for related matters” is vague and ambiguous, leaving room for misinterpretation and abuse by the Executive. There is the morbid eternal fear, that without a clear definition of the crimes and offences, innocent Ghanaians will be monitored for acts that do not fall under crimes.
5. We object to the mandate to be given to the National Security Coordinator to give ORAL authorization for the interception of the postal packets and telecommunication messages of Ghanaians within 48hours before confirmation through the law court. This means that innocent Ghanaians can be monitored without any legal authorization by a court of law. We do not trust the discretion of an appointee not bound by any Investigatory Powers Act.
6. The authorized parties cannot guarantee security of the intercepted messages and packets. Sadly, the punishment for the breach of the security of the intercepted messages and packets is not grave enough to deter the parties mandated to act on this Bill. More so, any breach of security of intercepted messages and packets will only be known by/among the parties with the mandate to intercept messages and packets.
7. We find it preposterous and dangerous the requirement that the Justice of the High Court, appointed by the Chief Justice to supervise the implementation of this Act and ascertain whether the provisions of this Act are being complied with, submits to the National Security Coordinator who is required by the same Act to obtain interception warrant from a Justice of the High Court sitting in chambers.
8. The request by the National Security Co-ordinator from persons who provide public postal service, cyber communication service, or public telecommunication service to take the necessary steps for the enforcement of an interception warrant is unfair and unfortunate because their capacity to afford and manage the

enforcement is not guaranteed. The one who bears the financial cost of the interception is not stated.

9. Finally, we respectfully request of the august house of the Parliament of Ghana to suspend the passing of this Bill in its current state for better public and stakeholder engagements as well as ensuring the absolute integrity and competence of the parties or persons involved with the interception of messages and postal packets.

We hope our reasons stated above will be considered by the Parliament of Ghana to suspend the passing of the “Interception of Postal Packets and Telecommunications Messages Bill”.

OccupyGhana® is willing to appear before the Committee to explain further and add to the points we have raised in this document.

Yours in the service for God and Country.

Ing. Nana Sarpong Agyeman-Badu (0264771508)

For OccupyGhana®

Cc:

The Rt. Honourable Speaker
Parliament House
Accra

The Minority Leader
Parliament House
Accra

The Majority Leader
Parliament House
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The Chairman
Select Committee on Communications
Parliament House
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