

Attorney-General, Chief Justice your people are failing Ghana

• In the #StopGalamsey war

By Kenneth Ashigbey

Operation Vanguard is celebrating some victories in the fight against 'galamsey'. Yes, they seem to be winning some of the battles, but we are losing some which we need not lose. These losses are not the fault of Operation Vanguard.

Rather, the battles in the courtrooms are being lost.

In my 'non-learned' opinion, the sentences being handed are not deterring enough; and using my Engineering mind and applying basic logic using the Venn diagramme approach, there is an error. Read on!

The Wassa Amenfi West District Assembly in the Western Region was the first district to benefit directly from the operations of the 400-man joint task force code-named "Operation Vanguard".

On Friday, September 22, 2017, the Tarkwa Circuit Court, presided over by Judge E. Bart-Plange, sentenced 10 Chinese illegal miners to a fine of GHe 2,400 each or in default serve 30 months in prison.

In line with the provisions of the Minerals and Mining (Amendment) Act 900, 2015, four excavators, among other equipment, which were being used by the illegal miners at the time of their arrest, were also confiscated and sent to the Wassa Amenfi West District Assembly.

Some arrests

On September 19, 2017, personnel from the Western Forward Operating Base of the Operation Vanguard joint task force at Tarkwa conducted operations in the Agona Amenfi and Wassa Amenfi West districts. The operations resulted in the arrest of 10

Chinese illegal miners and the seizure of various mining machinery and equipment, including four excavators. The arrested persons were Li Jueming, 42; Huang Keshen, 33; Le So Song, 40; Qin Ming, 49; Mong Ri Gin, 40; Li Shuchang, 39; Huang Zhiming, 36; Lu Zengyun, 44; Wu Xumou, 41 and Qin Teng Fang, 40.

The four excavators have since been handed over to the Wassa Amenfi West District Assembly. These excavators will form part of assets of the district assembly to complement the efforts of the government when it commences the reclamation phase of the fight to restore the environment.

The joint task force, as of Monday, October 9, 2017, had conducted 147 operations across the Eastern, Western and Ashanti regions of Ghana and arrested 419 persons, comprising 61 Chinese, one Burkinabe, one Togolese, one Nigerian and 355 Ghanaians. The task force has also seized 44 excavators, 145 water pumps and several other mining equipment, as well as immobilised 1,152 floating mining platforms, popularly known as Chanfan machines or "toutou".

Operation Vanguard, Say no to illegal mining now

Yes, we are happy that the excavators have been seized. However, the question I will want to ask is whether these sentences of GHe 2,400 are deterrent enough for 'galamseyers' who have the capacity to either buy or hire four excavators, are destroying our environment.

I also wonder whether Judge E. Bart-Plange of the Tarkwa Circuit Court, felt

this was the best he could do. Who are the prosecutors who worked on this case?

Does Section 99.3 of the act not state that, "A foreigner who undertakes small-scale mining operations contrary to the provisions of this act commits an offence and is liable on summary conviction to a fine of not less than 30,000 penalty units and not more than 300,000 penalty units or to a term of imprisonment of not more than 20 years or both?"

Is the penalty unit not GHe12.00 each, if so will the minimum 30,000 penalty units not be GHe360,000.00? So where is the GHe 2,400 fine coming from? We must bear in mind that it is

Ghanaians who are liable "on summary conviction to a fine of not less than 2,000 penalty units and not more than 20,000 penalty units or to a term of imprisonment of not less than five years and not more than 10

years or to both".

Have Li Jueming, Huang Keshen, Le So Song, Qin Ming, Mong Ri Gin, Li Shuchang, Huang Zhiming, Lu Zengyun, Wu Xumou and Qin Teng Fang become Ghanaians?

What is the prosecutor doing about this? Has this sentence got to the attention of the Attorney-General (A-G)? What is the A-G doing?

Let me continue with my questions and ask, did the prosecution not have any immigration charges against these 10 Chinese? Are these 10 Chinese, who I am sure, have paid these fines that are below the minimum fines, allowed by law to go back into the pit to mine?

Let me remind us all that Operation Vanguard's activities on September 9, 2017 at Abodom in the Bekwai District of

the Ashanti Region led to the re-arrest of five Chinese nationals who were arrested earlier on September 6, 2017 and put before the Bekwai Circuit Court. The five men were granted court bail for engaging in illegal mining at their residence at Abodom on the day of their arrest. These Chinese gave their names as Huang Shang Gao, 54; Huang Yang Gang, 36; Lin Gang Sheng, 48; Lu Yan Shan and Yan Shao Gao, 35.

The joint task force, together with police investigators from the Bekwai Divisional Police, was on a visit to the scene of a previous operation as part of investigations. The team, on arrival at the Abodom residence where six Chinese were arrested earlier, found the five men with a new Chinese washing sand in their bedroom.

When we continue sentencing them to fines of GHe2,400.00, they will treat them as the cost of engaging in the illegality and not only will they go back, but they will invite others to join.

Will it not be better to add the Immigration Service to the Operation Vanguard so that when we are prosecuting galamseyers and there are foreigners involved, we do a box-to-box job?

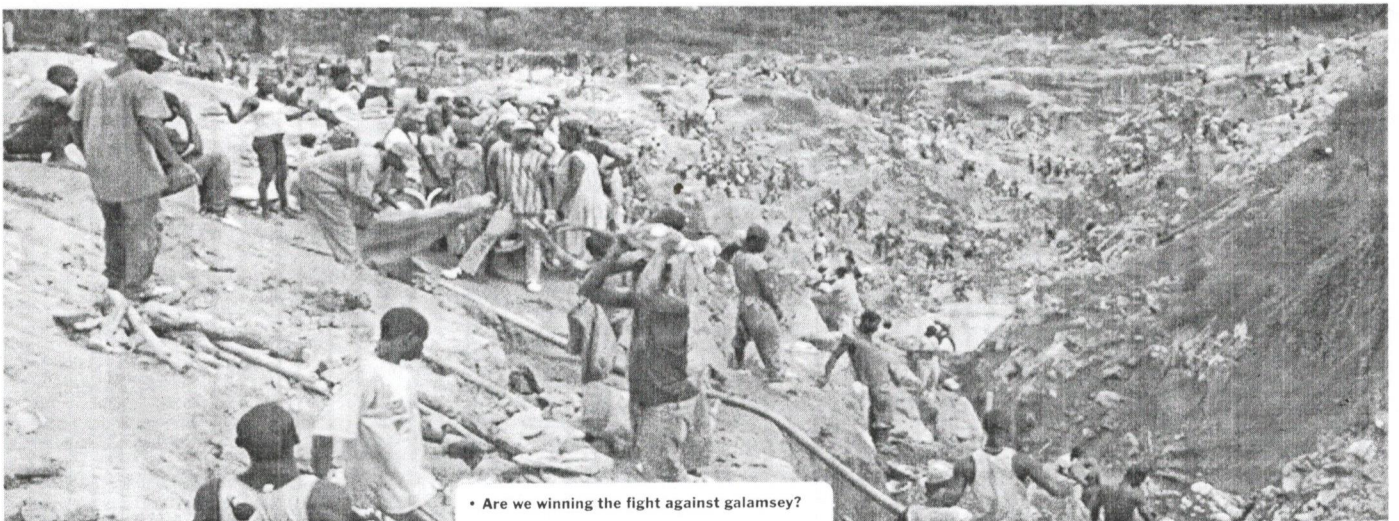
The judicial process has become the weak link in the fight to #StopGalamsey.

His Excellency Mr President and Mr Peter Amewu, if you allow this to continue, your political courage and you being the arrow head will be in vain. The Media Coalition Against Galamsey, our coalition, will be a wasted effort.

The A-G and Chief Justice, you need to rise up and save Ghana. When it comes to naming the 'Nanka Wifuo' your names will be mentioned as having 'chopped' the juiciest part of the great python.

We are counting on the A-G to order an appeal into this trial and get these sentences looked at.

The writer is the Convenor of the Media Coalition Against Galamsey & Managing Director of Graphic Communications Group Limited



• Are we winning the fight against galamsey?