

Aisha Huang, 4 other Chinese granted bail

By Emmanuel Ebo Hawkson, ACCRA

EN Huang, aka Aisha Huang, an alleged kingpin in illegal mining (galamsey), and four other alleged Chinese "galamseyers" were yesterday granted bail by the Criminal Division of the Accra High Court.

Aisha was granted bail by the court, presided over by Mr Justice Charles Ekow Baiden, in the sum of GHe 500,000 with two sureties, both to be justified.

The other accused persons- Gao Jin Cheng, Lu Qi Ju, Haibin Gao and Zhang Zhipeng, were also granted bail in the sum of GHe 500,000 each with one surety each which must also be justified.

All the sureties, the court ordered, must be Ghanaians with identifiable

residences which must be verified.

According to the court, all the five accused persons must report to the Inspector-General of Police (IGP) and the Director-General of the Ghana Immigration Service (GIS) or their representatives twice a week.

Per the bail conditions, the five Chinese must also hand over their passports and any other travelling documents to the registrar of the court for onward transfer to the GIS.

Bail application

Aisha and her compatriots were arraigned on May 9, 2017 for engaging in illegal small-scale mining activities at Bepotenten in the Amansie Central District of the Ashanti Region.

She was charged with three counts of undertaking small-scale mining operations contrary to Section 99(1) of the Minerals and Mining Act, 2006 (Act

703), providing mining support services without valid registration with the Minerals Commission contrary to sections 59 and 99(2) of the Minerals and Mining Act, 2006 (Act 703) and the illegal employment of foreign nationals contrary to section 24 of the Immigration Act, 2000 (Act 573).

The other four accused persons were charged with disobedience of directive given by or under the Immigration Act, 2000 (Act 573).

On May 22, 2017, lawyers for the five accused persons applied for bail after their clients had been on remand at the Nsawam Medium Security Prison for two weeks.

They argued that Aisha was seriously sick and needed urgent medical attention. Her continuous detention, they said, would negatively affect her health.

Also, the defence team contended that their clients had served the purpose of their remand as it was meant to help the GIS carry further investigations into the case.

Opposing the bail application, a Senior State Attorney, Ms Mercy Arthur, argued that ill-health was not a basis for bail because Aisha could be provided with medical care while on remand and also the five Chinese ought to be kept in custody because investigations were still ongoing.

Reasons for bail

In granting the bail, the court held that the state attorney failed to demonstrate that the five Chinese would not avail themselves to stand trial, were flight risk or were likely to commit other offences when granted bail.

Also, the court was of the view that

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The Accra High Court has granted bail to Aisha Huang and four other Chinese accused of engaging in "galamsey" at Bepotenten in the Amansie Central District in the Ashanti Region.

the state attorney failed to provide any evidence that the accused persons had interfered with investigations or how they were likely to interfere with investigations when granted bail.

According to the court, the first time Aisha and her compatriots appeared before the court on May 9, 2017, the GIS requested their remand for one week to enable investigations to continue.

"But the court, in its wisdom, remanded them for two weeks to give the immigration service more time to complete investigation so the argument that investigations were still ongoing is unconvincing," the presiding judge said.

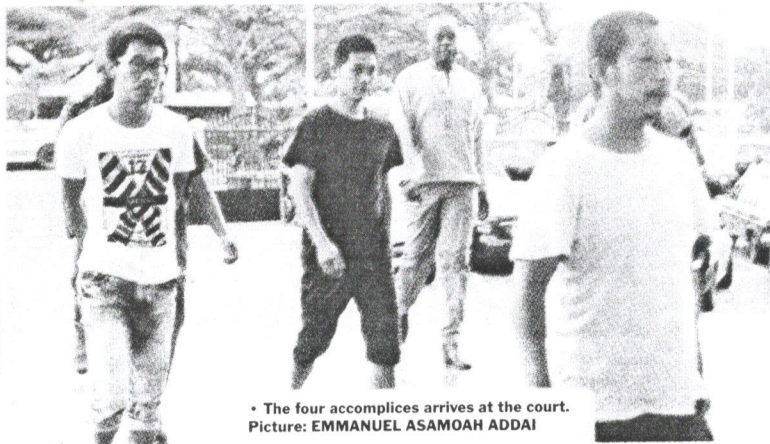
The court held that the Attorney-General (A-G) must not just speculate that the five accused would interfere with investigations without providing any evidence.

"No court of law can deny an individual his rights or liberties on such vague statements," Mr Justice Baiden said.

Further orders

Apart from the order for bail, the court further ordered the A-G to put its house in order within seven days with regard to any investigations into the case and also if it intended to amend the charges against the five Chinese.

Mr Justice Baiden adjourned the case to June 16, 2017 for full commencement of the trial with a stern warning to all parties that he would not tolerate any form of delay.



• The four accomplices arrives at the court.
Picture: EMMANUEL ASAMOAH ADDAI