



OCCUPYGHANA PRESS RELEASE

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EOCO, BNI: STOP TURNING INVESTIGATION INTO PUNISHMENT: Fight Corruption Through the Law, Not Around It

OccupyGhana calls for due process in economic-crime investigations.

OccupyGhana calls on the Economic and Organised Crime Office (EOCO), the Bureau of National Intelligence (BNI) and all investigative bodies exercising police powers to stop turning investigation into punishment.

Recent events raise serious concerns about the use of account freezes, agency-imposed bail, travel restrictions, reporting conditions and arrests.

In 2026, the High Court found that EOCO had frozen a company's accounts over a contractual dispute outside its mandate. BNI officers arrested a former public official at the airport days after a court had permitted him to travel for medical treatment. In the Power Distribution Services (PDS) Ghana Ltd investigation, about 66 accounts have reportedly been frozen since April; bail for two suspects was doubled from GH¢50 million to GH¢100 million within a week; and lawyers who accompanied their clients to the BNI were themselves detained. Five months on, no one has been charged.

These developments demand scrutiny in a constitutional democracy.

Our position

Since 2014, OccupyGhana has fought to protect and recover public funds. We went to the Supreme Court and won, compelling the Auditor-General to disallow and surcharge unlawful expenditure. Where public money has been misapplied, misused or misappropriated, it must be recovered and those responsible prosecuted, regardless of political affiliation.

Our method has always been the law. We therefore hold the agencies responsible for fighting economic crime to the same standard.

This statement is issued in the public interest and is based principally on court records and information already in the public domain. OccupyGhana is not a party to any of the matters discussed, nor has it been engaged or paid by any party or individual. Whether an offence has been committed is for the courts to determine.

Our concern is due process, which protects every person under investigation, regardless of party, status or means.

A troubling pattern

Several recent cases illustrate the concern.

Sesi-Edem Company Limited: In March 2026, the High Court found that EOCO had frozen the company's accounts over a contractual dispute and had acted outside its mandate. Eleven days later, EOCO declared the company's directors wanted. The Court subsequently restrained EOCO.

Hanan Abdul-Wahab Aludiba: In July 2026, BNI officers arrested the former NAFCO Chief Executive at the airport, days after the High Court had permitted him to travel for medical treatment. His wife subsequently applied for habeas corpus.

Agency-imposed bail: Suspects have reportedly remained in custody because they could not meet bail conditions of up to GH¢150 million imposed by investigative agencies rather than courts. A Supreme Court action is pending on whether security agencies have the authority to impose such conditions.

Arrests over speech: The Media Foundation for West Africa has reported a sharp rise in arrests under false-news provisions. Whatever the allegation, the same safeguards apply: an arrest must follow the law and must not itself become the punishment.

The Ghana Bar Association has also raised concerns about excessive bail, with its President stating that bail should be reasonable, proportionate and consistent with the presumption of innocence. CDD-Ghana and ACEP have expressed related concerns.

The PDS investigation

The PDS investigation provides a particularly important illustration.

In April 2026, EOCO froze about 66 accounts belonging to PDS Ghana Ltd and individuals linked to the company. Those affected have also alleged that accounts belonging to businesses with no connection to PDS were frozen.

On 30 April, the BNI detained a PDS director and the company's project director for two days and imposed bail of GH¢50 million each. On 6 May, the bail was doubled to GH¢100 million each, despite no charge having been laid and no reported change in the suspected offences. Both were also restricted from travelling outside Ghana.

Two lawyers who accompanied their clients were subsequently identified as “persons of interest”. They were detained overnight, prevented from acting for their clients and granted bail of GH¢50 million each with two sureties. They say they were questioned about professional fees and that their personal and law-firm accounts were subsequently frozen. They also say the firm's partners were placed on a no-fly watchlist.

Whatever the merits of the underlying investigation, action against lawyers for representing clients raises a fundamental concern: the right to counsel safeguards everyone.

Since May, the two PDS officials and the lawyers have reportedly been required to report to EOCO three times a week, about 60 attendances each to date. No one has been charged.

PDS filed an application for judicial review on 27 August, which awaits a hearing date. The company also says that a letter from its lawyers to the Attorney-General has not been acknowledged.

The State alleges that the investigation concerns the “stealing” of GH¢850 million from a CalBank account allegedly belonging to ECG. EOCO has cited a petition alleging fraud involving insurance guarantees, suspicious transactions and the risk that assets could be dissipated. PDS says an arbitral tribunal rejected the guarantee allegation.

These are serious allegations and should be properly investigated. But the seriousness of an allegation cannot, by itself, justify indefinite restrictions, excessive bail or departure from constitutional safeguards.

Questions requiring answers

The circumstances described above raise several questions for EOCO, the BNI and the Attorney-General:

1. What legal and evidential threshold must be met before an investigative agency freezes an account, and how long can such a freeze continue without a charge?
2. On what basis can bail be imposed or doubled by an investigative agency when no charge has been laid, and the underlying allegations have not changed?
3. Can lawyers be detained, prevented from representing clients, questioned about professional fees, and subjected to asset freezes or travel restrictions simply because they represent persons under investigation?
4. Can open-ended reporting requirements and travel restrictions be imposed on persons who have not been charged?
5. Where an underlying dispute has already been considered by an arbitral tribunal, what new evidence and lawful basis justify treating it as a criminal matter?

These questions should be answered through the courts and appropriate constitutional and parliamentary oversight.

Due process is not an obstacle

Due process is not an obstacle to fighting corruption. It is what makes prosecutions sustainable and recoveries lawful. Investigations must be rigorous. But investigative powers must also have legal limits. When those limits are ignored, cases can collapse in court, and the public loses twice: first the money, and then the case.

Our calls

OccupyGhana therefore calls for the following:

1. **Charge or release.** Where there is sufficient evidence, suspects should be charged and prosecuted. Where there is not, freezes, bail conditions, reporting requirements and travel restrictions should be lifted without delay.
2. **Respect the right to counsel.** Investigative agencies must not punish lawyers for representing their clients. Court orders and constitutional rights must be respected without exception.
3. **Let courts determine bail.** Bail should be reasonable, proportionate and capable of being met while securing attendance. Anyone whom an agency wishes to keep in custody must be brought before a court within the constitutionally prescribed period.
4. **Respect the limits on account freezes.** Freezes should be used only where legally justified and necessary, should not extend to unrelated accounts, and should not continue indefinitely. Section 38 of the EOCO Act provides statutory limits on court-confirmed freezing orders.
5. **Hear pending cases promptly.** We urge the courts to deal expeditiously with pending challenges, including the PDS judicial review and the Supreme Court action concerning agency-imposed bail.
6. **Strengthen parliamentary oversight.** Parliament's Constitutional, Legal and Parliamentary Affairs Committee and Defence and Interior Committee should scrutinise how EOCO and the BNI exercise these powers.

We also call on the Attorney-General, as the minister responsible for EOCO, to review the use of freezing orders, agency-imposed bail and reporting conditions in current investigations and to respond publicly to the petitions and correspondence before the Office.

OccupyGhana will continue to follow these matters and report publicly on the responses.

Conclusion

Since 2014, we have refused to be spectators while public money was lost. We refuse to be spectators now when public power is alleged to be misused. Investigation must not become punishment. The fight against corruption must be relentless, but it must also be lawful. A fight that respects due process protects both the public purse and the constitutional rights of the people it is intended to serve.

ENDS

OccupyGhana

NOTES TO EDITORS

At a glance

- **About 66:** PDS Ghana Ltd accounts frozen by EOCO since April 2026.
- **GH¢50m → GH¢100m:** Bail for two PDS officials doubled within a week, with no charge laid.
- **About 60 each:** EOCO attendances reportedly made by the PDS officials and lawyers since May.
- **Zero:** Charges laid in the PDS matter after five months.
- **GH¢150m:** Highest reported agency-set bail in recent financial cases.
- **12 months:** Under section 38 of the EOCO Act, frozen property must be released if no charge is laid within the statutory period.

The background below summarises the facts, sources and legal provisions referred to in OccupyGhana's statement of 30 September 2026.

Enquiries: P.O. Box AN 6668, Accra-North, Accra, Ghana

Tel: +233 302 769 271 / +233 54 876 2706

Website: www.occupyghana.com | Email: info.occupyghana@gmail.com

BACKGROUND NOTE FOR EDITORS

Facts, sources and legal provisions referred to in the OccupyGhana statement of 30 September 2026.

The matters below are drawn from public and court records, except where expressly attributed to persons affected. Contested claims are identified as such.

1. CASES ON THE PUBLIC RECORD

Sesi-Edem Company Limited

EOCO froze the company's accounts in November and December 2025 following a petition arising from a gold supply contract. It obtained an ex parte confirmation order on 30 January 2026. On 19 March, the High Court at Adentan revoked the confirmation and ordered the accounts unfrozen. The Court held that the dispute was contractual, that EOCO disclosed no fraud or money laundering, and that EOCO acted outside its mandate and breached Sesi-Edem's right to administrative justice. On 30 March, EOCO declared the company's directors wanted. On 14 April, the High Court restrained EOCO from maintaining the declaration or interfering with the directors' liberties pending determination of the substantive application. **Sources:** Ghana News Agency, 24 March and 15 April 2026; MyJoyOnline, 24 and 27 March 2026; Citi Newsroom, 15 April 2026.

Hanan Abdul-Wahab Aludiba

The former NAFCO Chief Executive says EOCO held him for more than two weeks in 2025 on a GH¢60 million bail condition. On 5 May 2026, after the Attorney-General withdrew charges against him, EOCO re-arrested him and his wife. On 29 June, the High Court permitted him to travel to London for medical treatment. On 4 July, BNI officers arrested him at the airport after he had cleared immigration and later transferred him to EOCO. His wife applied for *habeas corpus*. He was released after four days and says he was denied access to his lawyers until the final day. The Attorney-General alleges that he attempted to use false means to access a frozen account, which he denies. **Sources:** Citi Newsroom, 15 and 19 July 2026; Graphic Online, 6 July 2026; The Herald, 9 and 19 July 2026.

Agency-set bail

Bail conditions imposed by EOCO and the BNI in high-profile financial cases have reportedly ranged from GH¢10 million to GH¢150 million. Suspects have sometimes been unable to meet the conditions, leading lawyers to seek variations from the High Court. A writ filed at the Supreme Court on 20 May 2026 seeks a declaration that security agencies lack authority to set bail conditions without the courts. **Source:** Asaase Radio, 22 May 2026.

Wider concern: arrests over speech

The Media Foundation for West Africa reported on 21 May 2026 that there had been more arrests under false-news provisions in the first 16 months of the current administration than in the previous eight years. It cited section 76 of Act 775 and sections 207 and 208 of Act 29. **Source:** Media Foundation for West Africa, 21 May 2026 and December 2025.

2. THE PDS MATTER

Chronology

7–10 April 2026: EOCO's Executive Director directs the freezing of about 66 PDS Ghana Ltd accounts across several banks.

April 2026: EOCO obtains a High Court order confirming the freeze on an application made without notice to PDS.

30 April–2 May: A PDS director and the company's project director attend the BNI with lawyers from Minkah-Premo, Osei-Bonsu, Bruce-Cathline and Partners (MPOBB). The lawyers are not permitted to act, are declared “persons of interest”, questioned and detained until 1 May. They are eventually granted bail of GH¢50 million each. The two PDS officials are also detained and bailed at GH¢50 million each.

6 May: The PDS officials' bail is increased from GH¢50 million to GH¢100 million each. The lawyers' sureties must justify the full bail amount. The PDS officials are barred from travelling outside Ghana.

From May: The lawyers and PDS officials are required to report to EOCO three times a week. ACEP's Executive Director publicly warns that such conditions risk becoming punishment.

27 August: PDS files an application for judicial review at the High Court (Economic and Financial Division), Accra, Suit No. GJ/1046/2026. A hearing date has not yet been fixed.

PDS also says its lawyers wrote to the Attorney-General complaining of abuse of power but received no acknowledgement.

Other matters on record

Persons under investigation say their personal accounts were frozen alongside company accounts. The lawyers say they were questioned about professional fees and that their personal and law-firm accounts were subsequently frozen. They also say the BNI interrogated most, if not all, MPOBB lawyers and placed the firm's partners on a no-fly watchlist. The PDS Chief Executive was reportedly granted bail of GH¢50 million and required to report to the BNI twice weekly. Those affected also say that accounts belonging to the PDS Board Chairman, including accounts of other businesses they say have no connection to PDS, have been frozen since April, and that his bail was increased from GH¢50 million to GH¢100 million on 6 May.

The State's position

The Government says the investigation concerns the transfer of **GH¢850 million** from a CalBank account allegedly belonging to ECG. EOCO's affidavit cites a Financial Intelligence Centre petition alleging fraud involving insurance guarantees and transfers by directors to third parties. EOCO has also cited suspicious transactions, near-total withdrawals and the risk of assets being dissipated. The State's response to the judicial review application is not yet public.

PDS's position

In its judicial review application, PDS contends that:

- the FIC petition named two directors rather than the company;
- an arbitral tribunal rejected the guarantee allegation;
- the questioned payments were made to identifiable creditors; and
- ECG itself has alleged no crime and no charge has been filed.

PDS is seeking declarations that the freeze is unlawful, among other reliefs.

Sources: PDS application and supporting affidavit in *Power Distribution Services (PDS) Ghana Ltd v. The Executive Director, Economic and Organised Crime Office*, High Court (Economic and Financial Division), Accra, Suit No. GJ/1046/2026, filed 27 August 2026; MPOBB statement of 8 May 2026; The Herald, September 2026; accounts given by persons affected.

3. LEGAL FRAMEWORK

Article 14(2), Constitution: An arrested or detained person must be informed of the reasons for the arrest or detention and of the right to a lawyer of their choice.

Article 14(3): A person arrested and not released must be brought before a court within 48 hours.

Article 18(2): Property may not be interfered with except in accordance with law and as necessary in a free and democratic society.

Article 19(2)(c): A person charged with a criminal offence is presumed innocent until proven guilty.

Article 23: Administrative bodies and officials must act fairly and reasonably and comply with the law.

Article 296: Discretionary power must be exercised fairly and candidly and not arbitrarily, capriciously or with bias.

Economic and Organised Crime Office Act, 2010 (Act 804)

- **Section 33(2):** The Executive Director must apply to the Court to confirm an administrative freeze within 14 days.
 - **Section 38(1):** A freezing order lapses after 12 months unless the Court fixes a later date.
 - **Section 38(2):** The Court must order the release of frozen property where the person under investigation is not charged within 12 months after the investigation began.
 - **Section 19(4):** A person appearing before EOCO has the right to be represented by counsel of their choice at any stage of the process.
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4. INDEPENDENT VOICES

CDD-Ghana: Its February 2026 assessment of the Government's first year recorded complaints that EOCO had abused its discretion over detention and bail. On 11 July 2026, it called for greater transparency and respect for due process.

Ghana Bar Association: At its Mid-year Conference on 5 June 2026, the GBA adopted a resolution concerning excessive bail conditions imposed by investigative and prosecutorial authorities. At its Annual Conference on 14 September, its President said bail must be reasonable, proportionate and consistent with the presumption of innocence.

ACEP: Its Executive Director has warned that reporting conditions in the PDS investigation risk becoming punishment.

5. ABOUT OCCUPYGHANA

OccupyGhana is an independent, non-partisan citizens' pressure group formed in 2014 to demand accountability in public life. In 2017, the Supreme Court upheld its action establishing the Auditor-General's duty to disallow and surcharge unlawful expenditure: *OccupyGhana v Attorney-General*, Supreme Court, Writ No. J1/19/2016, judgment dated 14 June 2017.