



23<sup>rd</sup> September, 2023

**STATEMENT ON THE ARREST OF ACCRA PROTESTERS**

The Socialist Movement of Ghana (SMG) condemns the Ghana Police Service's brutal attacks on "Occupy Jolorbi House!" protesters on 21 September 2023 in Accra. We condemn, as well, the arrest and detention of 49 persons, including journalists covering the demonstration, and Police seizure of recording devices.

None of the copious video evidence available online suggests that the arrestees were violent or posed a threat to the public. Our constitution - the basis for Police authority - guarantees citizens the right to demonstrate and protest peacefully. That right is not subject to the convenience or policy approval of the Police, any state agency, or indeed other citizens opposed to demonstrators agenda. The Police' constitutional responsibility is to facilitate the peaceful enjoyment of citizens' constitutional rights. Police authority and citizens' continued cooperation with them depends on the constitutionality of GPS conduct. We caution against Police conduct that undermines their authority.

We reject the cynical GPS' "justification" that the demonstrators did not have judicial approval for their actions (i.e. that GPS was upholding a court order). Demonstrations do not require judicial *approval*. The judiciary has the power to stop a demonstration on stated grounds. However, unless citizens have been properly served with a court injunction preventing a demonstration, they are entitled to proceed with what lawful activities. The responsibility for properly serving such an injunction lies on the Police itself. It is unacceptable that the GPS cannot be troubled to deploy a handful of officers to comply with a clerical procedure with which they are entirely familiar but are able to deploy hundreds of officers to go and violently repress a protest.

We reject the increasingly casual GPS manipulation of the judicial process in which they wait to the very last minute to file *ex-parte* applications before the High Court to frustrate demonstrations - usually on the flimsy and un-proved claim of threats to "national security". We are worried about judges' willingness to tolerate this obvious manipulation and disrespect for the judicial function.

We call on all individuals, organized groups, and State institutions to defend the constitutional right to demonstrate regardless of whether we support or oppose demonstrators' agendas. We have adequate laws for holding demonstrators who behave in unacceptable ways accountable. Physical violence against peaceful protesters however provocative their agendas are never justified.



**SOCIALIST MOVEMENT OF GHANA (SMG)**

We call on the appropriate judicial authorities to provide guidelines requiring Police applications to interfere with the constitutional right to demonstrate to be filed on notice to enable affected citizens a chance to be heard before any court makes even interim orders affecting their democratic right to demonstrate. We also call for higher standards of police accountability to the Courts and citizens. Threats to national security must be demonstrated before the court – not simply asserted.

We also call for a public hearing into the policing of the 21 September event that holds all those guilty of perpetrating or ordering abuse of citizens' rights accountable and that makes appropriate recommendations for the facilitation of the right to demonstrate in future.

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