

IN THE CIRCUIT COURT 'B' KOFORIDUA IN THE EASTERN REGION OF THE  
REPUBLIC OF GHANA HELD ON TUESDAY THE 19<sup>TH</sup> DAY OF MARCH 2024 BEFORE  
HER HONOUR MRS. MATILDA RIBEIRO, CIRCUIT COURT  
JUDGE

CC No. B18/164/2023

THE REPUBLIC

Versus.

AMOS AYITA

OF AKATENG

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**JUDGMENT- PLEA BARGAINING AGREEMENT**  
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The accused person is a seventy-year-old (70years) fisherman. He is alleged to have engaged one Emmanuel Martey (the victim) aged seventeen (17) years in exploitative and harzadous work for fishing activities on the Afram River. On the 15<sup>th</sup> March 2022 a team of Policemen, Social Welfare Officers and other stakeholders rescued the victim and the accused person was arrested. Following which he was arraigned before this court on three charges of:

1. Human trafficking contrary to sections 3(1) of the Human Trafficking Act, 2005, (Act 694) as amended by the Human Trafficking Amendment Act 2009 (Act 784)
2. Human trafficking contrary to section 2(1) of the Human Trafficking Act, 2005, (Act 694) as amended by the Human Trafficking Amendment Act 2009 (Act 784)
3. Exploitative child labour contrary to section 87(1) of the Children's Act 1998 (Act 560)

The accused person pleaded not guilty to all the charges against him, and he was admitted to bail pending trial.

On the 5<sup>th</sup> day of December 2023, the Court was informed of the intention by the parties to explore a Plea-Bargaining Agreement. Following agreements reached between the parties, the Attorney General (hereinafter referred to as AG) filed a Plea-Bargaining Agreement (hereinafter referred to as PBA) on the 19<sup>th</sup> day of March 2024 for consideration by the Court.

According to the PBA dated 15<sup>th</sup> March 2024 the accused person through his Counsel, Henry Sangmor Esq. expressed an interest and desire in entering into a PBA with the Attorney General (AG) in respect of the charges against him. And the AG acting through the Chief State Attorney, Eastern Region (Mrs. Emily Addo-Okyireh) agreed to enter into a non-prosecution and sentence bargain with the accused person.

**The parties agreed as follows:**

That the AG shall withdraw Counts one (1) and two (2) which are charges of Human trafficking contrary to section 3(1) and 2(1) of the Human Trafficking Act, 2005 (Act 694) as amended by the Human Trafficking Amendment Act 2009 (Act 784).

That the accused person shall then plead guilty simplicita to Count three (3) which is a charge of Exploitative Child Labour contrary to section 87(1) of the Children's Act 1998 (Act 560).

As regard sentencing, the parties agreed and recommended a sentence of two hundred penalty units (200p.u) having considered all necessary mitigating and aggravating factors per paragraph 7 of the of the PBA.

The parties also agreed that the accused person shall pay compensation of Five Thousand Cedis (GHC 5,000.00) to the victim as compensation for his labour, basic material support, rehabilitation, reintegration, and incidentals.

That the recommended sentence according to the parties was influenced by the fact that the accused person is a first-time offender and is not known to the law; he is over seventy (70) years old; he has been very cooperative with the Court and has not participated in other crimes whilst on bail and the Republic is relieved of expending resources to conduct a full trial.

The parties further agreed that should the Accused Person fail to comply with the terms and conditions set forth in the PBA, the Republic may fully prosecute the accused on the charges that have been brought against him.

Today, 19<sup>th</sup> March 2024, the accused person under oath, confirmed to the court that his constitutional rights and his rights under the Criminal and Other Offences Procedure (Amendment) Act, 2022 (Act 1079) have been explained to him and that he entered into the agreement voluntarily out of his own free will. The Court then informed the 2<sup>nd</sup> accused person that by agreeing to the PBA, he is waiving his rights to a full trial and appeal. The accused person indicated to the Court that he is aware of that and understands same. After which the terms of the PBA were read out and explained to the 1<sup>st</sup> accused person in the Krobo language. Prosecution also confirmed to the Court that the consent of the complainant has been sought and it had no objection to the PBA. Annexed to the agreement are Appendix A, B and C being signed acknowledgments by the accused person, lawyer for the accused person and Nana Efua Amanfu for International Justice Mission (IJM) respectively affirming that they all understand the terms of the PBA and agree to same.

The Court upon confirmation by the accused person that he understood all his rights and the implications of his agreement to the terms contained in the PBA, and being satisfied that the accused person is of a sound mind, that he entered into the agreement voluntarily and that there is a factual basis for he PBA accepted the PBA executed by the accused person and the Chief State Attorney, Eastern Region for and on behalf of the Attorney General, with the consent and acknowledgement of counsel for accused person and the Complainant dated 15<sup>th</sup> March 2024 and filed on 19<sup>th</sup> March 2024.

The accused person was then called upon to plead to the charge of Exploitative child labour contrary to section 87(1) of the Children's Act 1998 (Act 560) and he pleaded guilty simplicitor to the charge as agreed between the parties.

Having pleaded guilty simplicita to the charge of exploitative child labour as per paragraph 4.2 of the PBA, the accused person is hereby convicted on his own plea to the charge against him. The Court has also considered the recommended sentence per paragraph 5 of the PBA in the light of the prescribed sentence under section 94(1) of Act 560, the mitigating and aggravating factors as per paragraph 7 and the compensation and restitution clauses (paragraph 6 of the PBA) and is satisfied that the recommended sentence is appropriate.

Accordingly, the accused person is sentenced to a fine of two hundred penalty units (200 p.u.). It is further ordered that the agreed compensation of GHC5,000.00 shall be paid into Court for collection by the Complainant (I.J.M) for and on behalf of the victim, Emmanuel Martey.

**SGD**

**H/H MATILDA RIBEIRO (MRS)**

**CIRCUIT COURT JUDGE**

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*Counsel:*

*Irene Sitsope Attipoe (Assistant State Attorney) present for the Republic.*

*Benjamin Lartey holding brief of Henry Sangmor present for the Accused Person.*

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