

'GHOST NAMES'

A-G Report Reveals Chilling Details Of Payroll Fraud, Massive Financial Irregularities



Finance Minister Ken Ofori-Atta

The Auditor General's report for the year 2021 has revealed chilling details of massive financial irregularities and payroll fraud among others. According to the latest report the Ministry of Finance paid a total amount of GH¢1,112,896.00 as salaries to three persons whose records could not be found as employees of the ministry. According to the Auditor General, the payment was contrary to Regulation 86 of the Public Financial Management Regulations, 2019 (L.I. 2378). The names of the said individuals who received the payments were given by the Auditor General as; Allotey Eamon James, Kwakye Nana Yaw Asiedu and Adam Habibu. The three were paid in total amounts of GH¢206,433.00,

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Food And Beverages Association Cries Over High Cost Of Import Duties

Food and Beverages Association has bemoaned the high amount of money paid as import duties at the ports. According to the Executive Director of Food and Beverages Association, Sam Aggrey, Ghana is the only country in West Africa paying duty above 50%. He also attributed the near

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Emmanuel Annobil Declares Intent To Contest As SRC President For UEW

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Mikhail Gorbachev, Soviet Leader Who Ended The Cold War, Dead At 91

Mikhail Gorbachev, who ended the Cold War without bloodshed but failed to prevent the collapse of the Soviet Union, died on Tuesday at the age of 91, hospital officials in Moscow said. Gorbachev, the last Soviet leader, forged

arms reduction deals with the United States and partnerships with Western powers to remove the Iron Curtain that had divided Europe since the Second World War and bring about the reunification of Germany. But his broad internal reforms — in

particular the twin policies of glasnost and perestroika, "openness" and "restructuring," respectively — helped weaken the Soviet Union to the point where it

Cont. on page 8



Mikhail Gorbachev

The INSIGHT

— EDITORIAL

DEAL WITH IT!

The report released last Thursday which showed a rise in HIV among pregnant women should be of utmost concern to all.

Even worrying is the Ghana AIDS Commission's admission that HIV/AIDS is on the ascendancy in the country.

Certainly, all these come against the backdrop of increased awareness and public sensitisation over the years, to get the menace effectively under control.

The government through the Ministry of Health, the Ghana Health Service, The Ghana Aids Commission and several world bodies and stakeholders succeeded to a large extent in creating the awareness of condom use and abstinence. The sudden rise in cases of HIV infections simply means that something is not being done or gone wrong.

It is the view of this paper that stakeholders in the health sector will once again come together to find lasting solutions to the problems giving rise to new infections and nib it in the bud.

Towards this end, it is the opinion of The Insight that new intervention measures would help to address the problem.

It is also the expectation of Ghanaians that past measures which helped in addressing the problem such as condom use, abstinence, among others will be revisited and employed in the fight including the individuals who spearheaded such bold initiatives.

Emmanuel Annobil Declares Intent To Contest As SRC President For UEW

Emmanuel Annobil otherwise known as TEA, a level 200 Political Science student of the University of Education, Winneba has declared his intention to run for SRC President this year.

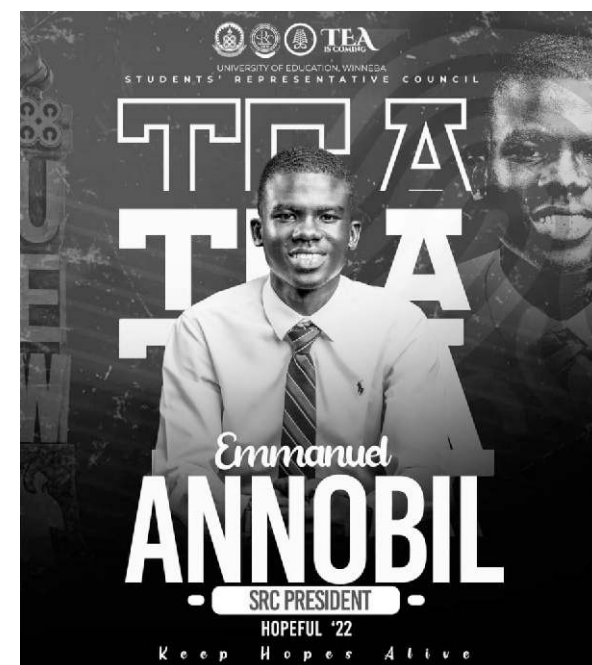
His declaration comes after the Electoral Commission of the SRC lifted the first ban on campus politics last weekend. The colourful declaration happened at the Students Centre on Wednesday, 17th August, 2022.

In his declaration, TEA noted that he is not contesting for SRC President simply because it is time for elections, but rather because he believes the SRC at this time needs proactive and collective leadership to build on the foundation laid by successive administrations and do more, something he stands for.

He said that the SRC after its 27 years of existence does not just need a President but an individual who brings Hope, resonates with the reality of the average UEW student and is in touch with the challenges of colleagues.

"As an SRC with the motto "About Your Welfare", the basis for every step and action taken should be the Welfare of each of our over 40,000 students. This I have championed overtime, and will continue to lead them proactively", he added.

He further stated that he will continually have the TEA Conversation and give reasons why students must have their Hopes Alive and support him to lead UEW-SRC for



the next academic year. Quoting Habakuk 2:3, he indicated that the journey he knows will be tough, but with God and support from UEW students, he will emerge victorious.

THE INSIGHT

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'GHOST NAMES'

A-G Report Reveals Chilling Details Of Payroll Fraud, Massive Financial Irregularities

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fell apart.

"Mikhail Gorbachev passed away tonight after a serious and protracted disease," Interfax news agency cited Russia's Central Clinical Hospital as saying in a statement.

The Russian Embassy in Canada confirmed his death to CBC News in an email statement. As part of its report, the Auditor General recommended that, "the amount of GH¢1,112,895.96 should be recovered from the Chief Director and the payroll validators of MoF." As referenced by the Auditor General in his report, Regulation 86 of the Public Management Regulations, 2019 (L. I. 2378) states that, "a Principal Spending Officer of a covered entity shall ensure that only the names of personnel who are eligible to receive payment for work done are kept on the payment voucher and keep records of the nominal roll of the covered entity in a manner that ensures that the

correct amount of emolument is paid."

Again, the Auditor General report found that contrary to Regulation 46 of the Public Financial Management Regulations, 2019 (L. I. 2378), some 11 health institutions failed to account for a total of GH¢240,895.48 in revenues for the year 2021 under review. The institutions as listed by the Auditor General's Report include Pantang Hospital, Pantang Nurses Training School, Accra Public Health Nurses School, Anyaman Health Center and the Upper West Regional Health Directorate.

The rest are Dadieso Government Hospital, Daboase Health Directorate, Wassa Government Hospital, Effia Nkwanta Regional Hospital, Buipe Polyclinic and Nyakrom Health Center.

The Auditor General thus charged the heads of the cited institutions to "immediately recover the amounts from the revenue collectors, failing which the moneys should be recovered from the Heads."

In the same report, the Auditor General found that some 63 health institutions failed to provide adequate or relevant documents for payments in excess of a GH¢1.5 million.

"Due to the non-existence of relevant supporting documents, we recommended that the Heads of the Institutions involved, and their Accountants should refund the amount of GH¢1,580,819.78 to chest," the A-G stated in its recommendation on the matter. Meanwhile, a former President of the Association of Magistrates and Judges, Justice Victor Ofoe has raised questions about the Auditor General's report on government of Ghana public accounts covering ministries, departments and other agencies (MDAs).

The report which covers the year 2021 cites some 19 judges of Ghana's superior courts as having purchased state vehicles through irregular processes.

Per the report, the purchase

violates Regulation 158 of the Public Financial Management Regulations, 2019 (L.I 2378) which provides that the Principal Spending Officer of a covered entity obtains prior written approval of the minister for the transfer, exchange, sale, donation, contribution in kind, trust and any other disposal of any vehicles of the covered entity. Per the report, the vehicles which were auctioned by the Service amounted to GH¢1,023,507.96.

Speaking in an interview with Joynews however, Justice Victor Ofoe said the Auditor General should have conferred with the Chief of Staff about such purchases considering it's not a new practice.

Justice Ofoe further noted that there was no wrongdoing if the said judges duly applied for the



Finance Minister Ken Ofori-Atta

said vehicles which were auctioned and paid the stated amounts.

"I don't know under what law he is talking about," Justice Ofoe told JoyNews.

"Purchase of vehicles has been there for a long time not today. We applied, and they said sell, and we buy. If there is any wrong at all, we applied and they said sell to him. It is valued by the transport office and we pay," Justice Ofoe stated.

Meanwhile, the Auditor General's report indicates that the vehicles ought to be recovered.

Food And Beverages Association Cries Over High Cost Of Import Duties



Sam Aggrey, Executive Director of Food and Beverages Association

from front page

collapse of their business to the frequent depreciation of the local currency against major trading currencies; especially the US Dollar. He stated that if nothing is done about the high import duty charges, many of their members will run out of business. In an interview with Joy Business, Sam Aggrey said, "All over the

places, the amount of money we are paying for imports alone is so huge. If you look at West Africa zone, Ghana is the only country that is paying duty above 50%. If you put all together we can't stand it."

"Government will then have to sit down and look at some of the situations as they were.

Otherwise, I'm sorry, most of these businesses will have to close

down and wait until such a time that business can really roll back and get into production," the Executive Director of Food and Beverages Association stated. The local currency has in the past weeks witnessed a decline against major trading currencies.

At a forex bureau in Accra, a dollar is being bought at GH¢10.08 and sold at a rate of GH¢ 10.29.

The Pound Sterling is being bought at GH¢ 11.70 and sold at GH¢12.10.

Inflation for July this year also hit 31.7% and the policy rate was reviewed upwards to 22% from 19%. Food and Beverages Association has bemoaned the high amount of money paid as import duties at the ports.

According to the Executive

Director of Food and Beverages Association, Sam Aggrey, Ghana is the only country in West Africa paying duty above 50%.

He also attributed the near collapse of their business to the frequent depreciation of the local currency against major trading currencies; especially the US Dollar.

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INTERNATIONAL NEWS REPORT

Compiled By Peoples Dispatch

Highlights Of The First Brazilian Presidential Debate Of 2022

By *Brasil de Fato*

The first debate of the 2022 elections between the Brazilian presidential candidates was held on TV Bandeirantes. The topics that caused the most reactions from participants and on social media were the ongoing pandemic, the environment, and women. Out of the over 10 presidential candidates, six participated in Sunday's debate including: Luiz Inácio Lula da Silva (Workers' Party of Brazil – PT), Jair Bolsonaro (Liberal Party – PL), Ciro Gomes (Democratic Labor Party – PDT), Simone Tebet (Brazilian Democratic Movement – MDB), Felipe D'Ávila (Novo), and Soraya Thronicke (União Brasil).

Pandemic

Simone Tebet of the Brazilian Democratic Movement Party (MDB) criticized the Bolsonaro administration's pandemic response.

"We have just got out of the pandemic, or maybe not, a

situation which could have been better managed if we had a president sensitive to the pain of others. Regrettably, when the country needed the president the most, he turned his back on the bereaved families and refused [to provide] vaccines to the Brazilian people," said Tebet.

"A 45-day delay in the purchasing of vaccines. How many families lost their sons and daughters prematurely? I did not see the president ride his motorcycle to a hospital to give a hug to a mother who had lost her son. I saw more than this: I saw the corruption scandal in the purchasing of vaccines as if life is worth US\$1," she concluded.

Environment

When posing a question to Felipe D'Ávila of the New Party (NOVO), former President Lula recalled the statements made by former Minister of the Environment and Bolsonaro supporter Ricardo Salles (currently a member of the Liberal Party, but previously a member of the New Party) regarding environmental policy.

"No respectable businessman will start fires or destroy [a] biome. He will not. Nevertheless, there are government officials who encourage it. We had a minister who used to say 'run the cattle herd'. I had the pleasure of being Brazil's president, and I attended COP15, in Copenhagen. There, we made the commitment, endorsed in Paris, to reduce deforestation by 80% and the greenhouse effect by 39%. We became a reference. But today, people see Brazil as a country that does not take the environmental issue seriously," Lula said.

In April 2020, the then Minister of the Environment, Ricardo Salles, warned other ministers about what he considered an opportunity presented by the pandemic. "To [achieve] this, we need to make some efforts while we are at this moment of serenity regarding media coverage—because they just

talk about COVID—so we must "run the cattle herd" [take advantage of the situation] to change all the regulations and simplify norms," Salles had said. "The recovery of the economy will depend on environmental policy," New Party candidate D'Ávila said. According to him, the federal government "must support Brazilian agribusiness, which is the sector that suffers most from deforestation. Brazil's agribusiness is the most sustainable in the world. There isn't another country that maintains 30% of environmental legal reserves in Pantanal [Brazil's wetlands] or 80% [of environmental legal reserves] in the cocoa plantations in the North."

Misogyny

President Jair Bolsonaro attacked journalist Vera Magalhães and candidate Simone Tebet during the debate. When asked about the disinformation spreading against COVID-19 vaccines, Bolsonaro reacted furiously. "Over the past few years, vaccination coverage has been falling. How much did



Lula (left) and Bolsonaro dueled in the first block of the debate – *Reprodução*. Bolsonaro's misogyny and insensitivity to the pandemic were central themes in the

disinformation spread by the president contribute to the COVID pandemic?" Magalhães asked. "Vera, I expected nothing less from you. You think about me in your sleep. You must have a crush on me. You can't take part in a debate like this and spread lies and accusations about me. You are an embarrassment to Brazilian journalism."

After this attack, Bolsonaro criticized the COVID-19 inquiry commission and said that Simone Tebet was "a shame to the Senate." "I'm not attacking women. Don't come to me and say you're a victim," he said.

This article was originally published in *Brasil de Fato*.

Protests And Violence Break Out In Iraq After Muqtada Al-Sadr Announced Decision To Quit Politics

After increased national as well as global concerns over violence that broke out in Iraq on Monday, August 29, cleric and political leader Muqtada al-Sadr has given an ultimatum to his supporters asking them to leave the high security Green Zone in Baghdad within "60 minutes." "We hoped that there would be peaceful protests, without using weapons, as the revolution marred by violence is not a revolution, and now I am criticizing the revolution of the Sadrist movement," he said. Large-scale violent protests broke out in Iraq on Monday following Sadr's announcement of retirement from politics and shutting down of all his political offices. Sadr's supporters stormed the Green Zone and reportedly attacked government buildings including the Republican Palace.

Violence continued even on Tuesday morning with reports of fighting inside the Green Zone. According to *Iraqi News Agency*, at least four missiles targeted the area on Tuesday, with reports of gun fights as well.

So far, at least 30 people have died and over 700 others have been injured in the clashes between the security forces and Sadr supporters, *Al-Jazeera* reported. Similar clashes were reported from other parts of the country. According to *Xinhua*, apart from security forces and Sadrist supporters, some unknown fighters were also involved in the gunfight. However, the reports of clashes between Sadr's Saraya al-Salam

brigade and the Hashd al-Shaabi (Popular Mobilization Forces) were denied by *Al-Mayadeen's* correspondent in Baghdad. On Tuesday, Hashd al-Shaabi, an armed militia affiliated to the Fatah Alliance in the parliament, criticized the role of al-Salam in the violence inside the Green Zone, but denied its own involvement in the clashes and violence.

Attempts to de-escalate

The government led by Prime Minister Mustafa al-Kadhimi declared Tuesday off for all government employees and announced a general curfew throughout the country. Kadhimi criticized the use of bullets against protesters and announced an investigation into the matter. He also appreciated the appeals by

Sadr and other leaders to the protesters to refrain from violence. Following the violence in the Green Zone on Monday, Sadr had announced a hunger strike demanding that the security forces end the use of force against his followers.

Fearing that the violence may lead to a full fledged civil war in the country, UN Secretary General Antonio Guterres appealed for calm. His spokesperson Stephane Dujarric said that he "strongly urges all parties and actors to rise above their differences and to engage, without further delay, in a peaceful and inclusive dialogue on a constructive way forward." Sadr's supporters have been sitting inside the parliament building for almost a month now,

demanding fresh elections and reforms to the country's constitution. They stormed the parliament building following the announcement of Mohammed Shi'a al-Sudani as the prime ministerial candidate by Sadr's rival, the Coordination Framework. Iraq has been witnessing political turmoil for years now. In October 2019, the then government led by Adil Abdul al-Mahdi had to resign after popular protests that went on for almost a year, finally leading to fresh elections last year. However, even after 10 months since the elections, Iraqi political parties have failed to form a government. Sadrists and some other parties are now raising the demand for a complete political overhaul, as was raised during the popular protests.

'Next NDC Govt Will Review The 1992 Constitution To Tackle Ex-Gratia Payments' – Mahama Hints

Former President John Dramani Mahama has assured Ghanaians that the next National Democratic Congress (NDC) government will deal with issues concerning the payment of ex-gratia.

According to him, the 1992 Constitution which is the supreme law of Ghana needs to be amended to as well deal with the entitlement of Article 71 officer holders. The 2020 NDC flagbearer believes the incumbent Akufo-Addo-led government has derailed democratic gains made in Ghana. Speaking at a meeting with NDC lawyers, the former President assured that if the NDC is given the nod in 2024, the review process of the constitution which commenced during the period

of late President Atta-Mills will continue.

"The next NDC government must commit to the implementation of the review of the 1992 Constitution, which was begun by President John Evans Atta Mills of blessed memory.

"This review should among others aim at reforming the judiciary and tackle head-on issues on ex-gratia payments and other matters of Article 71 emoluments," Mahama stated. In recent years, arguments have surfaced about the number of officials who benefit from the ex gratia payments and whether there is a need for the payments at all.

After Agbogbomefia of the Asogli State, Togbe Afede XIV, a former Council of State member, refunded monies paid to him as ex gratia, many have

criticised public office holders as to whether they deserve the monies paid to them.

Togbe Afede XIV who served as a member of the Council of State, an advisory committee to President Akufo-Addo between 2017 and 2020, while refunding the money stated that "I returned the ex gratia money not because I did not need money. In fact, at that particular time, I needed money very badly to meet various family obligations.

"But I truly believed that the money was not deserved. It was inappropriate for what I will emphasize again was essentially part-time work."

In 2017, however, Ghanaian lawyer, Elikplim L. Agbemava, went to the Supreme Court



Former President John Dramani Mahama

seeking clarification on some of the benefits enjoyed by the Article 71 officeholders.

He wanted presidential staffers who benefit from salaries, allowances, and privileges like the Article 71 officeholders, to be stripped of such gratuities, claiming it "is inconsistent with Article 71 and therefore

unconstitutional."

Awutu Afia-Ayensa/Yamoa Nkwanta Chief Appeals To Akufo-Addo For Development



Nai Kwoa Achiene Acheampong Kumah I, the Divisional Chief of Awutu Afia-Ayensa/ Yamoa Nkwanta under the Awutu Traditional Area in the Awutu Senya West District of the Central Region, has appealed to President Nana Akufo-Addo to urgently consider and provide them with an ultramodern health post facility to end the struggle of the people in search of better health care.

Consequently, Nai Kwoa Achiene Acheampong Kumah I, who doubles as Egya Odefey (Fire Chief) of Awutu Traditional Council entreated President Akufo-Addo to consider honouring the community with public basic school to help boost education of the youth in the area.

He pointed out that they had allocated a vast land for the construction of the much-needed facilities in Yamoa Nkwanta.

According to him, the provision of these social amenities to the people in Yamoa Nkwanta are very necessary since the facilities are going to improve on their living conditions in the area. Nai Kwoa Achiene Acheampong Kumah I, made the call in an interview with journalists when he sworn the oath of allegiance to the Paramount Chief of Awutu, Nai Abokoade Whetey Aygemang Otabil III at a colourful ceremony at the Nai Odinku's Palace in Awutu Breku.

Nai Kwoa Achiene Acheampong Kumah I, who doubles as Egya Odefey (Fire Chief) of Awutu Traditional Council has also sworn the oath to the various priests and priestesses including the leaderships of the Awutu Asafo No. One and No. Two Companies. The occasion was also used to

swear in some other chiefs into the Awutu Traditional Council, giving the traditional backing to them as the legally, traditionally and customarily installed divisional chiefs of their communities.

Prior to the swearing in, the newly-installed chief who doubles as the Egya Odefey (Fire Chief) of Awutu Traditional Council, was then carried in a palanquin and paraded through the streets from Awutu Traditional Council to the Awutu Breku-Kasoa-Winneba main road. The chief called on the elders and the youths to support him to develop the area, since he has been giving the traditional legal backing to become successful chief of the area.

He assured that he would make a lot of efforts by using his Chieftaincy position to ensure bringing peace, unity, socioeconomic development and growth to the area.

Angola President Secures Re-Election, Main Opposition Rejects Outcome

Angola's MPLA party has been declared the winner of a closely fought election, extending its decades-long rule and giving President Joao Lourenco a second term.

Official results announced by the National Electoral Commission (CNE) on Monday reported the People's Movement for the Liberation of Angola (MPLA) won 51.17 percent of the ballots against 43.95 percent for the main challenger, the National Union for the Total Independence of Angola (UNITA).

"The CNE proclaims Joao Manuel Goncalves Lourenco president of the republic," commission head Manuel Pereira da Silva told a news conference.

The vote was the tightest in Angola's history. Results – the smallest margin of victory the party has ever had – in past elections have been contested, a process that can take several weeks. UNITA, a former rebel movement that fought a bitter 27-year civil war against the MPLA government that ended in 2002, earlier rejected provisional results.

Adalberto Costa Junior, 60, leader of

UNITA, last week called for an international panel to review the vote count. He cited discrepancies between the commission's count and the main opposition coalition's own tally. He did not immediately respond to the announcement of the final results.

Analysts fear any dispute could ignite mass street protests and possible violence among poor and frustrated youth who voted for Costa Junior. The MPLA has traditionally wielded control over the electoral process as well as state media, and opposition and civic groups have in recent days raised fears of vote tampering. The MPLA, a former liberation movement, has ruled Angola since independence from Portugal in 1975. But it has seen a steady decline in support in recent elections. The announcement of Lourenco's victory came a day after the funeral of Angola's long-serving ex-ruler and MPLA stalwart Jose Eduardo dos Santos.

Source: aljazeera.com

Mikhail Gorbachev, Soviet Leader Who Ended The Cold War, Dead At 91



from front page

Putin expressed "his deepest condolences" on Gorbachev's death, Kremlin spokesperson Dmitry Peskov told Interfax.

"Tomorrow he will send a telegram of condolences to his family and friends," he said.

Putin has called the collapse of the Soviet Union the "greatest geopolitical catastrophe" of the 20th century and in 2018 said he would reverse it if he could.

World leaders pay tribute

In an interview with CBC's *Power & Politics*, former prime minister Brian Mulroney called Gorbachev "the exact opposite" of Putin. "Gorbachev was a visionary who sought peace and greater prosperity for his citizens," Mulroney said. "He sought restraint on the exercise of military power and this is the opposite of what we're witnessing now with this reckless and unacceptable war in Ukraine."

In a [separate interview with As It Happens](#), Mulroney said Gorbachev "was friendlier than the Soviet leaders of past — all stern apparatchiks from the Communist regime who knew very little about the rest of the world and seemed less inclined to learn anything about it, about us."

"He was a great leader with a profound sense of what could take place, but also a sense of history," Mulroney said.

Other world leaders were quick to pay tribute. European Commission chief Ursula von der Leyen said Gorbachev had opened the way for a free Europe.

U.S. President Joe Biden called Gorbachev a "man of remarkable vision" and a "rare leader" who had "the imagination to see that a different future was possible and the courage to risk his entire career to achieve it."

"The result was a safer world and greater freedom for millions of people," Biden said in a statement. British Prime Minister Boris Johnson said Gorbachev's "tireless commitment to opening up Soviet society remains an example to us all."

After decades of Cold War tension and confrontation, Gorbachev brought the Soviet Union closer to the West than at any point since the Second World War.

But he saw that work marred in the final months of his life, as Putin's invasion of Ukraine brought Western sanctions crashing down on Moscow, as politicians in both Russia and the West began to speak openly of a new Cold War.

"Gorbachev died in a symbolic way when his life's work, freedom, was effectively destroyed by Putin," said Andrei Kolesnikov, senior fellow at

the Carnegie Endowment for International Peace. Gorbachev won the Nobel Peace Prize in 1990 for his role in ending the Cold War and reducing nuclear tensions.

He will be buried in Moscow's Novodevichy Cemetery next to his wife, Raisa, who died in 1999, said Tass news agency, citing the foundation that the former Soviet leader set up once he left office.

Reforms emboldened nationalists

When pro-democracy protests swept across the Soviet bloc nations of communist Eastern Europe in 1989, he refrained from using force — unlike previous Kremlin leaders who had sent tanks to crush uprisings in Hungary in 1956 and Czechoslovakia in 1968.

But the protests fuelled aspirations for autonomy in the 15 republics of the Soviet Union, which disintegrated over the next two years in chaotic fashion.

Gorbachev — who was briefly deposed in an August 1991 coup by party hardliners — struggled in vain to prevent that collapse.

"The era of Gorbachev is the era of perestroika, the era of hope, the era of our entry into a missile-free world ... but there was one miscalculation: we did not know our country well," said Vladimir Shevchenko, who headed Gorbachev's protocol office when he was Soviet leader.

"Our union fell apart, that was a tragedy and his tragedy," RIA news agency cited him as saying. On becoming general secretary of the Soviet Communist Party in 1985 at just 54, he had set out to revitalize the system by introducing limited political and economic freedoms, but his reforms spun out of



Gorbachev and U.S. President Ronald Reagan exchange pens during the Intermediate-Range Nuclear Forces Treaty signing ceremony at the White House on Dec. 8, 1987. Gorbachev's translator Pavel Palazhchenko stands in the middle. (Bob Daugherty/The Associated Press)

control.

"He was a good man — he was a decent man. I think his tragedy is in a sense that he was too decent for the country he was leading," said Gorbachev biographer William Taubman, a professor emeritus at Amherst College in Massachusetts. His policy of glasnost allowed previously unthinkable freedom of speech and, thus, criticism of the party and the state. But it also emboldened nationalists who began to press for independence in the Baltic republics of Latvia, Lithuania, Estonia and elsewhere.

By the end of his rule, he was powerless to halt the whirlwind he had started. "I see myself as a man who started the reforms that were necessary for the country and for Europe and the world," Gorbachev told The Associated Press in 1992, shortly after he left office.

"I am often asked, would I have started it all again if I had to repeat it? Yes, indeed. And with more persistence and determination."

Former Soviet leader Mikhail Gorbachev, who's credited with ending the Cold War without bloodshed, has died at age 91. As the last leader of the

Soviet Union before it disbanded, he leaves behind a divisive legacy. Many Russians never forgave Gorbachev for the turbulence that his reforms unleashed, considering the subsequent plunge in their living standards too high a price to pay for democracy.

"He gave us all freedom — but we don't know what to do with it," liberal economist Ruslan Grinberg told the armed forces news outlet Zvezda after visiting Gorbachev in hospital on June 30.

Vladimir Rogov, a Russian-appointed official in a part of Ukraine now occupied by pro-Moscow forces, said Gorbachev "deliberately led the [Soviet] Union to its demise" and called him a traitor.

Cold War historian Sergey Radchenko said Gorbachev "lived to see some of his worst fears realized and his brightest dreams drowned in blood and filth. But he will be remembered fondly by historians, and one day — I believe it — by Russians."

Labor Court In South Africa Dismisses Contempt Of Court Application Against NUMSA

By Tanupriya Singh



NUMSA General Secretary Irvin Jim addresses the 11th National Congress (Photo: NUMSA) The application sought to have the union's 11th National Congress be declared null and void and called for the arrest and imprisonment of NUMSA national leaders, Irvin Jim and Andrew Chirwa

Following protracted legal proceedings, the Johannesburg Labor Court last Tuesday, dismissed the contempt of court application against the National Union of Metalworkers of South Africa (NUMSA). Judge Andre van Niekerk issued the ruling on an urgent application filed by the union's former second deputy president, Ruth Ntlokotse.

The matter focused on the circumstances surrounding NUMSA's 11th National Congress, which was held in Cape Town at the end of July. The Labor Court heard Ntlokotse's application on August 19, where she alleged that the congress had proceeded in violation of an [interdict](#) issued by Judge Graham Moshwana on July 23.

Over a week prior to this interdict ruling, NUMSA had announced on July 13 that Ntlokotse had been suspended pending a fair disciplinary process. During a press conference, General Secretary Irvin Jim [stated](#) that the union's Special Central Committee had determined that Ntlokotse had "undermined the organization and its unity," and "defined [herself] outside the collective leadership of the NOBs [NUMSA National Office Bearers]..."

Five members of the National Executive Committee were also suspended.

On July 18, Ntlokotse approached the Labor Court to have her suspension, and that of 30 other NUMSA members, overturned, or have the (then) upcoming National Congress be halted until the nature of the suspensions had been clarified.

Judge Moshwana ruled in favor of Ntlokotse, declaring the suspensions to be "unconstitutional, invalid, and unenforceable in law." The ruling also extended to the decision of the NUMSA leadership to place the Mpumalanga Regional Council under

'administration', which meant that it would be unable to participate in the National Congress.

Speaking to *SABC News* on August 24, Jim [stated](#) that the decision regarding Mpumalanga had been "politicized." He said that the Mpumalanga Regional Council had collapsed (or failed to convene) twice. The absence of a properly constituted regional executive committee which had a mandate would raise a series of issues, Jim explained.

In the July 23 interdict order, Judge Moshwana ruled that the National Congress would be suspended "until NUMSA complied with its own constitution."

Threats to trade union democracy

On July 27, NUMSA [announced](#) that it would proceed with the National Congress and that the meeting would be officially convened that very day. The union stated that pursuant to Judge Moshwana's judgement, it had issued a 48-hour notice to convene a Special Central Committee meeting on July 26 to take the necessary steps to comply with the court's order. NUMSA claimed that postponing the congress was not a viable option given that many delegates had already flown into Cape Town to attend the meeting, and the total wasted costs would amount to around R39 million (USD 2.29 million). The statement added that the Central Committee had taken "due cognisance of the

adverse impact the cancellation of Congress would have on NUMSA as a democratic institution." The union's leadership must be elected by workers every four years. NUMSA was unable to convene a congress (and elections) in 2021 due to COVID-19 related restrictions. The statement further noted that "Whilst the Special Central Committee resolved to lodge an appeal against the judgement of the Honourable [Justice] Moshwana ...it nevertheless also resolved that it will be prudent to take all steps possible to ensure that NUMSA acts within the "four corners of its constitution" and in accordance with the content of the judgement." The committee adopted various resolutions to address the issues, including the absence of the term "precautionary suspension" in the Constitution, which had resulted in the Labor Court overturning the suspensions. The committee also decided that no suspensions would be reimposed, and that the previously suspended individuals, including Ntlokotse, would be permitted to attend the congress and exercise their right to vote and to be nominated and elected for office (all without prejudice to NUMSA proceeding with the appropriate disciplinary action).

A credentials committee was also set up to issue accreditations, in line with the court's ruling.

The union reiterated that the

congress was able to proceed in full compliance with the court order. It added that this was being done "irrespective of the fact that the judgement had been suspended as a consequence of the filing of NUMSA's application for leave to appeal against said judgement."

The statement also raised concerns about "rogue individuals" with "their anti-worker, NUMSA-bashing program" acting in "pursuit of an external agenda in collaboration with forces who have been operating in the shadows." It accused such forces of attacking and attempting to "weaken and fragment the unity within NUMSA" with the objective of eliminating those in the leadership they regarded as "constituting a threat to their counter revolutionary agendas."

Following the first day of the congress, NUMSA [announced](#) that a new leadership was elected, and that all candidates had been nominated unopposed by all regions.

NUMSA's urgent leave to appeal was heard by Judge Moshwana on the evening of July 27 and [rejected](#) the next day. NUMSA responded by [saying](#) that it would file a leave to appeal application and petition directly to the Labor Appeals Court for direct access. It sought to set aside the whole judgement and order handed down by Justice Moshwana.

In another [statement](#) dated July 30, NUMSA said that the congress had been able to proceed as it had taken the steps to rectify the constitutional defects outlined in Judge Moshwana's ruling. It added that the leave to appeal was a "separate issue about NUMSA disagreeing with the court order and wanting to challenge the precedent it is currently setting." However, "until such time is set aside on appeal, NUMSA will continue to comply with the court order..."

The union also added that despite the suspensions being

lifted, none of the regional office-bearers or Ntlokotse participated in the elections.

Battle in the courts

In the meantime, Ntlokotse filed an urgent application asking the Labor Court to declare the congress null and void, including the elections of the office-bearers and all the decisions that had been taken. The application went further, calling upon the court to issue a warrant for the arrest of NUMSA General Secretary Irvin Jim and President Andrew Chirwa on charges of contempt of court, and called for their imprisonment for 30 days.

After an initial postponement, the hearing was held on August 19.

Finally, on August 23, Judge Van Niekerk announced the verdict dismissing the contempt of court application.

He declared: "In so far as the applicant contends that the resolutions adopted by the special meeting of central committee and the reconvening of the national congress on 27 July 2022, all constitute breaches of the court order and thus acts of contempt of court, it does not seem to me that a decision to taken to postpone the commencement of the national congress until such times as the union fully complied with its constitution, constitutes a breach of the order."

"On the contrary, it is indicative of compliance with the order," Judge Van Niekerk said, adding, "I am not persuaded that the applicant has established a breach of the order beyond a reasonable doubt."

NUMSA [welcomed](#) the ruling, stating, "We are vindicated by this judgement. We will continue to defend the union and its decisions."

DISPUTE OVER ELECTION RESULTS: KENYA'S OPPOSITION LEADER RAILA ODINGA PETITIONS KENYAN SUPREME COURT

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the data only, while giving the impression of non-interference at all. Other details including serial numbers of the Forms 34A apart from the 1st Petitioner's and 9th Respondent's votes, would be kept the same, so that the total number of valid votes would show to be the same.

d. In Lurambi Constituency Kakamega High School polling station 1 of 2, the 1st Petitioner's votes were reduced by 100 but not accounted for or added to any candidate. The total number of valid votes cast in the return does not add up with what is declared. The Petitioner contends that in his strongholds, his votes would simply be reduced without adding them to any candidate.

85. The facts and evidence show that the fraudulent interference with the electronic copies of the results declared in Forms 34A were fraudulently altered *after* the transmission of Forms 34A from the polling station.

86. The facts and evidence show that the interference with the Forms 34A transmitted to the National Tallying Centre was deliberate and done with criminal intent to alter and reduce the votes cast for the Petitioner; and increase the 9th Respondent's votes without interfering with the total valid votes cast.

87. The manipulation of the transmitted results could only be done by somebody with access to the IEBC portal; someone with the opportunity and someone with the capability to interfere with the results remotely and electronically.

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88. The evidence collected from the sample of 41 Forms 34A in just two constituencies – Bomet and Kiambu – indicate a widespread pattern that would significantly alter the results of the presidential election.

89. Therefore, based on the unearthed evidence already obtained in the sample of the 41 Forms 34A out of only two constituencies, the Petitioners shall seek 1) a scrutiny; and 2) a forensic audit of all the Forms 34A from Bomet and Kiambu counties and constituencies and the results of the election on the following basis:

(i) The fact that there are 41 Forms 34A with the same serial number but different results is an anomaly and/or aberration that necessitate a scrutiny, forensic audit and investigation of the Forms 34A. This evidence is set out in the affidavits of Celestine Anyango and Arnold Ochieng Oginga.

(ii) The sophisticated tampering or interference with the Forms 34A appearing in the IEBC portal demonstrates that the electoral process and system is not secure; which the Court has a duty to inquire into.

(iii) The arrest of the foreigners with means and opportunity to remotely manipulate, delete, change and interfere with the information in the IEBC portal and KIEMS Kits points to fraud and criminal acts that warrant scrutiny, forensic audit and investigation of those involved including the 2nd Respondent and the CEO of the

1st Respondent who rushed to the defence of the arrested foreigners and publicly declared that they are/were persons authorised by the of the 1st Respondent.

(iv) There is software that can allow one to alter or change the contents of a PDF.

90. Out of the sample of 41 Forms 34A above, the total number of votes reduced from the 1st Petitioner and added to the 9th Respondent is 2,793.

91. The Petitioners contend that the fraudulent manipulation of the 1st Petitioner's votes to increase the 9th Respondent's votes was done with the knowledge, connivance and collusion of the 9th Respondent.

Further evidence of fraudulent digital manipulation of Forms 34A

92. The Petitioners' witness John Mark Githongo, contains direct incriminating evidence from a hacker contracted by the 9th Respondent's agent Dennis Itumbi, detailing how he and others were tasked to intercept and manipulate Forms 34A transmitted from the KIEMS Kit and thereafter transmit the altered Forms to the IEBC public portal.

93. John Mark Githongo's testimony proves how the hackers effectively stole thousands of votes from the 1st Petitioner and exaggerating the votes of the 9th Respondent, with the knowledge, connivance, collusion and full sanction of the 2nd Respondent and other officials of the 1st Respondent.

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94. The testimony of John Mark Githongo proves the criminal conspiracy between the 2nd Respondent and some officials of the 1st Respondent and the 9th Respondent to affect and alter the outcome of the presidential election.

v) Vote differentials

95. The Petitioners aver that there was systemic voter suppression and ballot stuffing in the Petitioners' strongholds and in certain counties in the Rift Valley and Central parts of Kenya respectively.

96. The Petitioners analyzed Forms 34C alongside Forms 37C, 38C and 39C from various counties in which there were variances between the total number of votes cast for the presidential position and the other three elective positions namely Governor, Senator and Women Representative. The said variances are summarized in the table below.

S/NO.	COUNTY	PRESIDENTIAL 2	GOVERNOR	SENATOR	WOMAN REPRESENTATIVE	DIFFERENCE
2	KWALE	180,368	180,304			64
18	NYANDARUA	242,238	241,402	242,846	242,029	608
19	NYERI	326,880	335,709			6,541
20	KIRINYAGA	260,900	237,183			23,550
23	TURKANA	144,631	144,705	147,760	144,616	74
24	WEST POKOT	174,963	174,775			188
38	VIHIGA	186,448	184,974	187,545		1,097
44	MIGORI	349,384	348,298			1,086
	TOTAL	1,865,812				33208

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