

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE,
CRIMINAL COURT 4, HELD IN ACCRA ON THURSDAY, THE 15TH DAY OF
JANUARY, 2026, BEFORE HER LADYSHIP AUDREY KOCUVIE-TAY, JUSTICE OF
THE HIGH COURT.

CASE NO. CR/0004/2026

TIME: 12:00PM

THE REPUBLIC

VRS

1. BERNARD ANTWI BOSIAKO @ WONTUMI
2. KWAME ANTWI (AT LARGE)
3. AKONTA MINING COMPANY LTD.

- ACCUSED PERSONS

ACCUSED PERSONS – A1 PRESENT AND REPRESENTS A3

**COUNSEL: DR JUSTICE SREM-SAI (DAG) WITH NANA AMA PREMPEH
(SSA), MAAME AFUA OSEI-GYAMERAH(ASA) AND KWADWO
KONADU ASIAMAH (ASA) FOR THE REPUBLIC – PRESENT**

**ANDY APPIAH KUBI WITH KWASI ASOKWA BOATENG, BRIGHT
WIREKO-BROBBY, ENOCH ANHWERE AFOAKWAH, FOR 1ST AND
3RD ACCUSED PERSONS - PRESENT**

PW2 REMINDED OF OATH

CONTINUATION OF CROSS-EXAMINATION OF PW2 BY COUNSEL FOR A1 AND

A3

Q: Do you know A2, Kwame Antwi?
A: No, I do not know him.
Q: How do you know A3, Akonta Mining Company.
A: I know Akonta Company Mining which is chairman, he happens to be my friend.
Q: How long have you known Akonta Mining Company Ltd?
A: I know Akonta Company Mining for quite some time.
Q: In your witness statement, paragraph 1, you indicated that you are a small scale miner, how long have you been a small-scale miner?

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.....DEPUTY REGISTRAR
HIGH COURT
PROBATE & L.A.
LAW COURT COMPLEX

A: I have been a small-scale miner for about 7 years.

Q: Have you obtained any license for your activity as a small-scale miner?

A: Yes.

Q: When did you obtain this license?

A: I obtained this license in 2017.

Q: And this license is issued in your personal name?

A: Yes, in the company's name, that I use it for community mining.

Q: What is the name of that company you are referring to?

A: The company's name is C34.

Q: Is it the case that you can produce this license to the court?

A: Yes, my lady, there is a video to show the time they came to launch it for us at Kunsu in Ashanti Region.

Q: I put it to you that, you do not have any such license to operate as a miner.

A: I don't have a license as I said, but there is evidence on the ground to show that the minister came to the grounds to launch it for us.

Q: You have also in your paragraph 1 of your witness statement, indicate that your license is restricted to specific areas within the country.

A: Yes, I did because it is under small scale mining and in small scale mining, you do not use one area license to operate in another area.

Q: Could you tell the court which areas are you permitted to operate by your license?

A: It depends on the areas so I do not know which area and as I said, you cannot use one license to operate in different areas.

Q: Tell the court which areas in Ghana did your license permit you to mine?

A: As I said it depends on the area, so if my license is for Bibiani, then I work at Bibiani and if it is at Kumsu, then I work at Kumsu.

Q: So which areas in Ghana have your license permitted you to do mining so far since you are 7 years?

A: At the time that we were arrested, the area that we were mining was at Samreboi, but the concession was Akonta mining, so I was using Akonta Mining license.

Q: I want to suggest to you that, you were mining at Samreboi without a license.

A: My Lady, no, because the license I was using there is Akonta Mining. Before I went to Samreboi, I went to Minerals Commission to do a search about the area and I was told through the search that the area belongs to Akonta Mining Company and within the search, it also shows that Akonta Mining company has a mining lease on the land, so that pushed me to go to chairman to ask him whether I can work there. So, the license I was using there is Akonta Mining license.

Q: Did you receive any permission from Akonta Mining Company, A3? At this point, I need to explain to you that, A3 is not the same as A1, Bernard Antwi Boasiako. so, under the law, we see them as two separate entities. A1 is a human person, A3 is corporate and therefore an artificial person. There are different ways of the two entities engaging in transactions with third parties.

A: I said I do understand, but when you go to Samreboi, nobody knows Akonta Mining Board of Directors and as I said earlier on, I am not a director or board of director of Akonta mining and so what I know is that Chairman Wontumi owns Akonta Mining and Akonta Mining is Chairman Wontumi.

Q: So now that you understand that they are two entities separately identified, the question now is, did you receive any permission from A3 being Akonta Mining company Ltd?

A: I do not know Akonta Company and again, before I went there, it was chairman Wontumi who went to do the operation on the ground for me through Regional Security Council (REGSEC) and the letter that we wrote to REGSEC was on Akonta Mining Letter Head and that was signed by Chairman Wontumi.

Q: So, you understand that from your answer, the question to REGSEC was from A3, Akonta Mining.

A: No, My lady.

Q: Do you have a copy of the letter?

A: Yes, I have.

Q: Will you be happy to share it with the court at any given time?

A: I don't have it here.

Q: Can you produce it at any time, given the opportunity?

A: Yes, my lady.

COUNSEL FOR ACCUSED: We pray that the witness be made to produce the letter at the next adjourned date.

BY COURT: The witness may produce same before the final determination of this matter or before the end of prosecution's case.

Q: When you entered the concession was the land all virgin?

A: No, my lady. The land was not virgin, it was an already mined area so there are a lot of abandoned pits on the land. And that is why Chairman made me understand that there are illegalities on the land, so if I want to go on the land to work, he had two things that I had to do for him. 1. To cover the abandoned pit. And when you want to excavate an area, the waste will be put at certain area for me to have access to the gravel which contains the gold. So, the area that had been mined, I had to push the waste from the pit before I can have access to a fresh land and work. So, in short, the area had already been mined.

Q: So, you will agree with me that, the complains of A1 to REGSEC is in respect of Illegal mining on that land.

A: No, I do not. Because of the discussion that I had with chairman, he also brought out that, this are the issues on the land and so yes it can be a factor. And also, it opens space for me to get access to the area and work because there are a lot of Galamseyers on the land and it will not make my work easy.

Q: And therefore, you yourself you were worried about the illegal miners on the land and you are still worried.

A: Yes, my lady, I was because, if chairman did not go and sack them it will make my work difficult.

Q: When chairman wrote that letter, did REGSEC come to the site to sack them?

A: Yes, they came, led by the Regional Commander at Tarkwa to drive everybody on the land away and they seized every excavator that was working there.

Q: And these excavators and equipment that were seized, belonged to the illegal miners.

A: Yes, my lady they belonged to the illegal miners.

Q: Can you share your experience with us as you went through the process of acquiring a mining license?

A: Yes, my lady. And I can only speak on small scale mining license and not large scale. If you want to become a small-scale miner, the first thing you need to do is, go to the Minerals Commission. Every small-scale area has a place that the Government releases as a block out for small scale mining. So, when you go to the commission, the areas are being painted green, meaning it is for small scale mining. So, after you have identified that area, you need to go to the ground and pick the coordinate of the area in question then you come back to the Mineral's Commission and give the coordinate to the Minerals Commission to find out whether that area had already been given to a different person or if the place is free for you to apply. And if the place is free, they will ask you to go and buy a form. If it is not, they will tell you that the place has been taken. So, if it is free, you will fill the form with your information and then the name of the enterprise or

the venture that you want to use to apply for that area. And from there it becomes a process.

Q: You have explained part of the process, I pray that you continue to the end into mining.

A: The first thing you need to do is, get the site plan of the area and then will continue and the commission will call you after you have presented the site plan showing the area of interest. Before you even go onto the land to do anything on the land, you have to pass through that system. You need to pay for stool land, EPA, Water Resource and then have the mining lease which is the final certificate before you can do any mining activities in that area. And again, when it comes to small scale, we have Regional Branches of the Minerals commission, so all these processes are done at the Regional Offices. You can also go to the District Assembly and then they will place a notice for 21 days at the town that you want to operate so that, if the chiefs and the people have any objection at that place, they will let you know. After the 21 days and there is no objection, then the assembly will approve that you can go there and undertake your mining activities.

Q: You will agree with me that apart from your operations at Samreboi, knowing that the illegal miners were removed by the REGSEC, Chairman Wontumi or Akonta Mining Company Ltd as a corporate person did not come there to mine on Samreboi concession.

A: No, Akonta Mining did not come there again, but I was the one that Chairman Wontumi handed the place over to, so I was dealing directly with chairman Wontumi.

Q: From your experience, it cost a lot of money to go through the process you explained to us.

A: Yes, my lady.

Q: It cost a lot more money if you apply for a large-scale license more than the small scale, is that correct?

A: Yes, it is correct. Because, small scale mining is just 25 acres but large-scale mining can be 100- or 200-kilometre square. So, Minerals Commission charges per square meter on a large scale. So, if you are asking based on a large or small scales, yes.

Q: I am suggesting to you that, sometimes, some of the expense items are paid in dollars to the Minerals commission.

A: Yes, my lady.

Q: You will agree with me if I suggest to you that, Akonta Mining Company Ltd concession was a large scale one.

A: Yes, my lady.

Q: Were you able to extract some gold in your operations?

A: Yes of course, that was my aim of going there.

Q: And when your staff were arrested from the site they took away some amount of gold, is that correct?

A: Yes, my lady.

Q: And this gold was not from the illegal miners, but from your operations?

A: Yes, my lady.

Q: So how did you procure equipment onto the site?

A: Between chairman Wontumi and I, our verbal agreement shows that I have some of the machines myself and because there are a lot of pits, Chairman Wontumi also promised to provide me with some bulldozers to make my work easy. And these bulldozers were acquired by Chairman Wontumi in Kumasi from a friend of mine. So, when I was going for the bulldozers to the site, my friend told me that chairman wontumi did not pay all the money and therefore, I had to pay the money and so I called chairman womtumi and he spoke to the guy that he should allow me to go with the bulldozers, so that whiles I was working, I will pay the rest of the money in instalment. So, chairman is aware.

Q: So, in all these alleged interactions and transactions with Bernard Antwi Boasiako, was PW1, Michael Gyedu Ayisi present?

A: No, my lady. Mr Ayisi came into the picture after the operations and machines were being sent to the site, then I called him to come and manage the area for me. So, it was about three weeks to a month before Mr Ayisi was brought to the site.

Q: Have you ever introduced Michael Gyedy Ayisi to Bernard Antwi Boasiako physically?

A: No, my lady. He has not met chairman Wontumi before.

Q: I will be right then in suggesting to you that, whatever he alleges to know about the transaction between yourself and Bernard Antwi Boasiako and Akonta Mining Company Ltd, is as a result of your information given to him.

A: Yes and no. Yes, to the extent that nobody reports to Chairman Wontumi without me. And no because he stays there so he is already aware of Akonta Mining.

Q: On the day of the arrest, the police or the security personnel took other equipment from the site, who is the owner of that equipment that were taken?

A: A lot of excavators were seized, some were mine and others I do not know who they belonged to. And about 6 motorcycles were seized as well which belongs to me. 4 bulldozers belong to me and chairman and 3 excavators also belongs to

chairman and I, the rest I do not know. There were also weapons at the site which belongs to me and I registered them in my company's name, C34.

Q: You want the court to believe that you have prove of ownership of these bulldozers and excavators.

A: With the exception of the bulldozers, I want the court to understand that it belongs to Chairman Wontumi, but when he asked me to go and pick it from the dealer, there were some outstanding payments that I had to make, so I made those payments.

Q: Were you paying to own the bulldozers or you were paying to use the bulldozers?

A: It was verbal partnership agreement between Chairman Wontumi and I, so the bulldozers were given to me to go and cover the area and plat some coconut trees which we have percentage of that.

Q: So, having paid in full the arrears, who owns those equipment as we speak now?

A: On the record with the dealer, Chairman Wontumi owns them, but because I have paid some of the money to the dealer, we have joint interest.

Q: I want to suggest to you that, A1 is not a part owner of any of the 4 bulldozers.

A: If that is the case, then it is for me, because I paid some of the money.

Q: I am suggesting to you that, A1, Chairman Wontumi is not a full owner or a part owner of the excavators as you claim.

A: If chairman says he is not the owner of such machines, then because I have paid some of the debt, then I will take it.

WITNESS MOUTH IS SEALED.

BY COURT: This case is adjourned to 19th January, 2026 at 12 noon.

(SGD)
H/L AUDREY KOCUVIE- TAY
(JUSTICE OF THE HIGH COURT)

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