

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE SUPREME COURT OF JUSTICE  
ACCRA – AD 2015

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SUIT NO. J8/3/2017

BETWEEN:

MARTIN ALAMISI AMIDU  
PLOT 355 NORTH LEGON RESIDENTIAL AREA  
ACCRA

PLAINTIFF/APPLICANT

AND

1. THE ATTORNEY-GENERAL  
MINISTRY OF JUSTICE  
MINISTERIES  
ACCRA

2. WATERVILLE HODINGS (BVI) LIMITED  
P. O. BOX 3444  
ROAD TOWN  
TORTOLA  
BRITISH VIRGIN ISLANDS

DEFENDANT/RESPONDENT

3. ALFRED AGBESI WOYOME  
HOUSE NO. 16B  
6<sup>TH</sup> STREET TESANO – ACCRA

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AFFIDAVIT IN SUPPORT OF APPLICATION FOR LEAVE TO EXAMINE THE  
JUDGMENT DEBTOR HEREIN AS THE PUBLIC INTEREST PLAINTIFF IN THIS  
ACTION

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I, Martin Alamisi Amidu of Plot No. 355, North Legon Residential Area, Accra, make oath and say as follows:

1. I am the Plaintiff/Applicant and the deponent herein and an Interested Party to the application by the Attorney General to this Court and the order granted on 19<sup>th</sup> October 2016 to examine orally on oath the 3<sup>rd</sup> Defendant/Respondent/Judgment Debtor on the questions whether any debts are owing to the judgment debtor and whether the judgment debtor has any property or other means of satisfying the judgment or order of this Court.

2. I commenced the action giving rise to the enforcement application pending in this Court for hearing on the 10<sup>th</sup> November 2016 and obtained a unanimous judgment against the 1<sup>st</sup> Defendant/Respondent/Attorney General and the 3<sup>rd</sup> Defendant/Judgment Debtor on 29<sup>th</sup> July 2014.
3. In addition to the declarations granted by this Court against the 1<sup>st</sup> Defendant/Respondent/Attorney General and 3<sup>rd</sup> Defendant/Judgment Debtor this Court specifically granted an order in the following terms directed to the 1<sup>st</sup> and 3<sup>rd</sup> Defendants/Respondents:

“An order directed at the 3<sup>rd</sup> Respondent herein to refund to the Republic of Ghana all sums of money paid to him upon or as a result of the unconstitutional conduct of the 1<sup>st</sup> Respondent, therein 1<sup>st</sup> Defendant in purported pursuance of the said inoperative Agreement dated 26<sup>th</sup> April 2006.”
4. I believe that by reason of Article 88 of 1992 Constitution that imposes a duty on the Attorney General to act quasi judicially and impartially in the name of the Republic of Ghana as distinct from her political position as Minister for Justice this Court granted the 1<sup>st</sup> Respondent/Attorney General the authority to pursue the enforcement of the judgment debt ordered to be refunded to the Republic.
5. Ever since this Court permitted the Attorney General to pursue the enforcement of the judgment debt owned the Republic by the 3<sup>rd</sup> Defendant/Respondent/Judgment Debtor the Attorney General has exhibited a reluctance to enforce the judgment.
6. The vacillating steps which the Attorney General has taken since permission was granted to her to enforce the judgment debt shows beyond every reasonable doubt that she is not willing to fairly and transparently enforce the judgment and order of this Court against the 3<sup>rd</sup> Defendant/Respondent/Judgment Debtor.
7. The various applications made to this Court in the process of the purported enforcement of this judgment debt against this Judgment Debtor lends credence to the fact of the failure, refusal and/or reluctance of the Attorney General to act in accordance with the hallowed tradition of her office and in accordance with Article 88 of the Constitution to enforce the judgment debt.
8. The pleadings in the action leading up to the decision and orders of this Court in this case demonstrate that the 3<sup>rd</sup> Defendant/Respondent/Judgment Debtor admits that he is a financier of the political party sponsoring the incumbent Government that appointed the Attorney General.

9. I am also a foundation member of the governing National Democratic Congress (NDC), its former Deputy Attorney General, its previous Vice Presidential candidate in the 2000 Presidential Elections and its former Attorney General but brought the action resulting in the judgment debt in defence of the Constitution and to put Ghana First.
10. I believe that the enforcement of the judgment debt ordered by this Court should already have been executed impartially by the Attorney General without regard to political party or other considerations in spite of the fact that the current Attorney General and her private law chambers had acted as lawyers for the Judgment Debtor in connection with his incurring the debt.
11. I am informed and I believe same to be true that the application to this Court for the examination of the Judgment Debtor was made by the staff of the office of the Attorney General acting professionally as lawyers in accordance with their employment.
12. I am also reliably informed and believe same to be true that when the Judgment Debtor was served with the order of this Court he went to inform the NDC of which he is a member and financier and the incumbent Government, in particular the Attorney General and the President personally, that should the order applied for by the Government for his examination be not discontinued he will have no option at his appearance at the Court than to disclose truthfully and faithfully to the Court on oath the names of all NDC and Government beneficiaries of the judgment debt which was paid to him as a result of the unconstitutional conduct of the Attorney General declared in the decision of this Court.
13. I am further informed and verily believe the same to be true that the NDC and the Government realizing the power of this Court pursuant to its order granted for the examination of the 3<sup>rd</sup> Defendant/Respondent/Judgment Debtor to “order the judgment debtor or officer to produce any books or documents in the possession of the judgment debtor relevant to these questions at the time and place appointed for the examination” took to panic resulting in the President instructing the Attorney General upon her own advice to him to discontinue the application for examination of the judgment debtor which the Court had already ordered.
14. I contend that in view of the fact this Court has already granted the order for examination of the 3<sup>rd</sup> Defendant/Respondent/Judgment Debtor orally on oath as to whether he has property or other means of satisfying the judgment debt that order

which is still subsisting can only be set aside upon a proper application and an order by this Court to set it aside.

15. As the Plaintiff/Applicant public interest beneficiary of the decision and orders of this Court in its judgment of 29<sup>th</sup> July 2014 I have a constitutional interest on behalf of the citizen public and the Republic of Ghana in accordance with Article 2 of the 1992 Constitution to participate in the examination of the Judgment Debtor in execution of the judgment debt on behalf of the people of Ghana.
16. The antecedents of this case as disclosed on the application for the order to examine the Judgment Debtor granted by this Court and the conduct of the Attorney General as a biased and conflicted partisan politician in pursuing the enforcement of the judgment in this case belies the contention that under the letter and spirit of the Constitution, particularly Article 2 thereof, I as the citizen public interest Plaintiff has no interest in the enforcement of the judgment debt obtained solely by my diligence and industry against both the Attorney General and the Judgment Debtor who now appear to be colluding to frustrate the gains I secured in favour of the Republic of Ghana and to obstruct the cause of justice.
17. I believe that it is consistent with the letter and spirit of Article 2 of the 1992 Constitution that I am permitted as the person who best knows the facts giving rise to and surrounding the unconstitutional creation and looting of the money now constituting the judgment debt to also examine the Judgment Debtor as to his means of satisfying the judgment debt.
18. I believe that my examination of the Judgment Debtor orally on oath particularly on his books, documents and bank accounts, payments in respect of the debt and its disbursement from the bank accounts of the Judgment Debtor will disclose the beneficiaries of the unconstitutional payments made to him and enable the monies to be traced and recouped from the beneficiaries for the public purse.
19. I am in a position to examine and get the Judgment Debtor to produce the Agricultural Development Bank cheque by which he allegedly paid the sum of GHC400,000.00 on 16<sup>th</sup> June 2011 to one Mrs. Gifty Nerquaye-Tetteh, the wife of the Chief State Attorney, while Sammuel Nerquaye-Tetteh the Chief State Attorney was the lawyer recommending the unconstitutional payment to the Judgment Debtor as found and publicized by the report of the Economic and Organized Crime Office which report has been conveniently shelved by the Attorney General and this Government: the Chief State Attorney was quietly posted by the incumbent Attorney General and the Government to Wa in the Upper East Region.

20. I believe that the Attorney General's notice purporting to discontinue the order of this Court granted on the 19th October 2016 stating that: "The 3<sup>rd</sup> Defendant/Judgment/Debtor herein, Alfred Agbesi Woyome is hereby ordered to appear before this Court on Thursday 10<sup>th</sup> day of November, 2016 at 9: 00 am in the forenoon to be examined orally on Oath by the 1<sup>st</sup> Defendant/Judgment/Creditor/Applicant herein, to ascertain whether the 3<sup>rd</sup> Defendant/Judgment Debtor has any property or other means of satisfying the Judgment " is incompetent and unlawful while the order subsists.
21. In the premises I crave leave of this Court to permit me who remains the public interest Plaintiff under Article 2 of the Constitution until all the enforcement powers of this Court thereunder in respect of the declarations and orders it made in my favour in its decision dated 29<sup>th</sup> July 2014 have been actualized and executed.
22. WHEREFOR I swear to this affidavit in support of this application to be granted leave to examine the Judgment Debtor herein on 10<sup>th</sup> November 2016 and other adjourned dates as to his property or other means of satisfying the Judgment.

SWORN IN ACCRA

THIS ..... OF NOVEMBER 2016

DEPONENT

BEFORE ME

COMMISSIONER FOR OATHS