

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA – AD 2017**

SUIT NO:

HIS LORDSHIP JUSTICE MUSTAPHA HABIB LOGOH

Unnumbered House Baatsona
Nungua, Accra

PLAINTIFF

V.

ANAS AREMEYAW ANAS

1ST DEFENDANT

THE CHIEF JUSTICE OF THE REPUBLIC OF GHANA

Supreme Court Building
Accra

2ND DEFENDANT

THE ATTORNEY GENERAL

Attorney General's Department
Ministries, Accra

3RD DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff is a Justice of the High Court stationed at **Bolgatanga, Upper East Region**.
2. The Plaintiff does not know the 1st Defendant in person but understands he is a citizen of Ghana, a journalist and a lawyer.
3. The 2nd Defendant is the administrative head of the Judicial arm of Government.
4. The 3rd Defendant is the principal legal advisor to the Government of Ghana and the person against whom all civil proceedings against the State and its organs shall be directed at.
5. The Plaintiff avers that he was formerly presiding over the **Fast Track High Court 4, Accra**, which mostly determined criminal cases.
6. The Plaintiff avers that on **10th September, 2015**, the 2nd Defendant summoned him to her office and gave him a letter dated **9th September, 2015**, titled

“Petition in Accordance with Article 146 of the 1992 Constitution on allegation of Bribery”.

7. The Plaintiff avers that he duly perused the letter and found that an entity by name **Tiger Eye PI** made the allegation of bribery against him in respect of a case he presided over at **Fast Track High Court 4** titled: **The Republic v. John Brobbey**.
8. The Plaintiff avers that the 2nd Defendant attached the particulars of the bribery allegation as well as a copy of the alleged transcript of audio visual recordings which constitute the evidence in support of the allegation.
9. The Plaintiff avers that by the 2nd Defendant's letter, **Tiger Eye PI**, had petitioned **the President of Ghana** for his removal from office based on the allegation of bribery.
10. The Plaintiff avers that the 2nd Defendant in the letter requested him to respond to the allegation by **14th September, 2015**, to enable her make a determination whether or not there is a prima facie case against him.
11. The Plaintiff avers that he caused his lawyers to apply for a copy of the audio visual recordings and they obliged.
12. The Plaintiff says that the 2nd Defendant gave a copy of the audio visual recordings to him and he realised it was secret recordings and filming of private conversations between him and an unknown voice in his chambers at the **Fast Track High Court 4, Accra**.
13. The Plaintiff avers that the 2nd Defendant did not give him a copy of the petition sent to the President by the 1st Defendant.
14. The Plaintiff avers that the 1st Defendant alleges in social media that he incorporated **Tiger Eye PI** as a limited liability company in accordance with the laws of Ghana.
15. The Plaintiff avers that the 1st Defendant claims he is the Chief Executive Officer of **Tiger Eye PI**.

16. The Plaintiff avers that he caused his lawyers to conduct a search at the **Registrar General's Department** to ascertain the fact of **Tiger Eye PI**'s existence as a company and the report proved negative.
17. The Plaintiff avers that the 1st Defendant again alleges on social media that **Tiger Eye PI** is licenced by the **Minister of Interior** in accordance with law to conduct private investigations.
18. The Plaintiff avers that he caused another search to be conducted at the **Ministry of Interior** and the results again is negative.
19. The Plaintiff avers that he issued a Writ at the High Court against **Tiger Eye PI** and the 2nd and 3rd Defendants herein for various reliefs.
20. The Plaintiff avers that the 2nd and 3rd Defendants filed their defence in which they recognised **Tiger Eye PI** as the petitioner.
21. The Plaintiff avers that even before the 1st Defendant submitted the petition to **the President of Ghana**, he discussed his investigations into the Judicial Service with **the President** and the 2nd Defendant.
22. The Plaintiff avers that he and **two (2)** other indicted Justices of the High Court invoked the original jurisdiction of the Supreme Court in **Suit No. J1/9/2016** for inter alia a declaration that **Tiger Eye PI**, being a non-existing entity lacked capacity to petition the President for their removal from office.
23. The Plaintiff avers that the Defendants herein then filed their Statements of Case and denied **Tiger Eye PI** is the petitioner but rather **Anas Aremeyaw Anas** is the petitioner.
24. The Plaintiff avers that on **27th October, 2016**, the Supreme Court gave its judgment in which it declared that **Anas Aremeyaw Anas** is the petitioner and not **Tiger Eye PI**.
25. The Plaintiff avers that the Defendants have perpetuated fraud on him.

PARTICULARS OF FRAUD

- a. The Defendants made false representations of fact that **Tiger Eye PI**, is a company that conducted investigations into the Judicial Service and procured evidence which it used to petition **the President** for his removal from office.
 - b. The Defendants knew that the representation of fact as to the existence of **Tiger Eye PI** and its investigations and submission of the petition to **the President** is false.
 - c. The Defendants intended the Plaintiff to rely on the false representation that **Tiger Eye PI** did investigations and indicted him and petitioned **the President** to remove him from office.
 - d. The Plaintiff relied on the false representation of fact that **Tiger Eye PI** conducted investigations and petitioned **the President** for his removal from office and as such he instituted an action at both the High Court and in the Supreme Court against **Tiger Eye PI**, the Chief Justice and the Attorney-General.
26. The Plaintiff avers that the 1st Defendant still maintains that **Tiger Eye PI**, exists and it is **Tiger Eye PI** that conducted the investigations.
27. The Plaintiff contends that the 1st Defendant's complaint is criminal in nature and as a result it is only a court of competent jurisdiction that may enquire into it pursuant to **Articles 19(1), 125(3) & (5) and 126(1) of the 1992 Constitution** and **section 1(1) of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30)**.
28. The Plaintiff further contends that the 2nd Defendant lacks jurisdiction to administratively enquire into the 1st Defendant's petition as she purports to do in purported exercise of her functions under **Article 146(3) & (4) of the 1992 Constitution**.
29. The Plaintiff contends that **Tiger Eye PI**, is a non-existing entity and as such it lacks capacity to carry out private investigations into the Judicial Service.

30. The Plaintiff contends that **Anas Aremeyaw Anas** also lacks capacity to conduct private investigations into the Judicial Service without a licence/permit from the **Minister of Interior** pursuant to the **Police Service (Private Security Organizations Regulations), 1992 (L.I. 1571)**.
31. The Plaintiff contends that the 1st Defendant obtained his personal data in breach of the **Data Protection Act, 2012 (Act 843)**.
32. The Plaintiff also contends that the purported investigations by the 1st Defendant is in breach of his privacy as guaranteed by **Article 18(2) of the 1992 Constitution**.
33. The Plaintiff further contends that the 2nd Defendant violated his fundamental human rights to administrative justice as guaranteed under **Article 23 of the 1992 Constitution** when she had **ex parte communications** with the 1st Defendant before the latter submitted his petition to **the President**.
34. The Plaintiff contends that the 2nd Defendant violated his right to natural justice by her **ex parte communications** with the 1st Defendant.
35. The Plaintiff contends that the evidence the 1st Defendant procured to support the 1st Defendant's petition is unlawful and thus inadmissible in any impeachment or investigative proceedings.
36. The Plaintiff contends that the Defendants' actions are only a ruse to unlawfully and unfairly deprive the Plaintiff of his right to work pursuant to International human rights instruments and **Articles 24 and 33(5) of the 1992 Constitution**.

WHEREFORE the Plaintiff claims against the Defendants jointly and severally the following reliefs:

1. A declaration that the 2nd Defendant lacks jurisdiction to administratively enquire into the 1st Defendant's petition that complained of the alleged commission of a criminal offence upon a true and purposive interpretation of **Articles 19(1); 125(3) & (5); 126(1) and 146(3), (4) & (5) of the 1992 Constitution**.

2. A declaration that the Committee provided for by **Article 146(4) of the 1992 Constitution** to perform functions under **Article 146(5) of the Constitution**, not being a court known by **Article 126(1) of the Constitution** lacks jurisdiction to enquire into the 1st Defendant's petition.
3. A declaration that the 1st Defendant lacks capacity to conduct private investigations without a licence from the **Minister of Interior** pursuant to the **Police Service (Private Security Organizations Regulations), 1992 (L.I. 1571)**.
4. A declaration that **Tiger Eye PI**, a non-existing entity lacks capacity to conduct private investigations.
5. A declaration that the evidence procured by the 1st Defendant to support his petition to the President for his removal from office is unlawful and thus inadmissible for purposes of any impeachment or investigative proceedings.
6. A declaration that the purported investigations by the 1st Defendant is in violation of his fundamental human right to privacy as guaranteed by **Article 18(2) of the 1992 Constitution** and other International Human Rights Instruments.
7. A declaration that the 1st Defendant obtained the personal data of the Plaintiff in violation of the **Data Protection Act, 2012 (Act 843)**.
8. A declaration that **the President** and the 2nd Defendant have failed to protect the Plaintiff's fundamental human right to privacy by relying on the evidence the 1st Defendant procured in violation of his human rights pursuant to **Article 18(2) of the 1992 Constitution** and **International Human Rights Instruments**.
9. A declaration that the President and the 2nd Defendant's actions in impeaching the Plaintiff by relying on the evidence unlawfully procured by the 1st Defendant is attempting to unlawfully and unfairly deprive the Plaintiff of his right to work guaranteed by **Article 24 and 33(5) of the 1992 Constitution** and **International Human Rights Instruments**.
10. An order terminating the impeachment proceedings as a result of the unlawfully procured evidence by the 1st Defendant.

11. An order nullifying the petition as same is vitiated by fraud perpetrated by the Defendants.
12. An order nullifying the petition for breach of natural justice by the 2nd Defendant.
13. Costs including legal fees.
14. Any other order(s) this Honourable Court may deem fit to make.

DATED AT ACCRA THIS 8TH DAY OF FEBRUARY, 2017.

**The Registrar
High Court
General Jurisdiction
Accra**

**Nii Kpakpo Samoa Addo
Solicitor for the Plaintiff
Licence No: GAR 16083/17**

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS.