

29-07-2014

IN THE SUPERIOR COURT OF JUDICATURE, THE SUPREME COURT
(CIVIL DIVISION) SITTING IN ACCRA ON TUESDAY THE 29TH DAY
OF JULY, 2014.

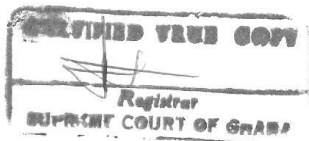
CORAM: WOOD (MRS) C.J (PRESIDING), ANSAH, ADINYIRA,
(MRS) ,OWUSU (MS.), DOTSE, YEBOAH, BONNIE,
GBEDEGBE, BAMFO ((MRS), BENIN AND AKAMBA JJSC.

REVIEW MOTION

NO J7/10/2013

MARTIN ALAMISI AMIDU

VRS:



1. THE ATTORNEY GENERAL
2. WATERVILLE HOLDINGS (BVI) LTD
3. ALFRED AGBESI WOYOME

Plaintiff Applicant present (In person)

1st Defendant Respondent Absent.

3rd Defendant Respondent present.

Dorothy Afriyie Ansaah (Chief State Attorney) and Stella Badu (Chief.
State Attorney) for the 1st Defendant/ Respondent.

Reynolds Twumasi for the 3rd Defendant/ Respondent.

BY COURT:

By a unanimous decision of this court, the application for review succeeds and is hereby granted. Consequently, the applicant is entitled to have the decision of the ordinary bench reviewed in the following terms:

Reliefs 9, 10, 13 and 14 are granted. Reliefs 6, and 7 are subsumed in the main ruling of the court, dated the 14th June, 2014. We therefore make the following Declarations and order.

1. A declaration that the conduct of the then Honourable Attorney General, the 1st Defendant Respondent, in this case in paying or ordering the payment by the Republic of Ghana of claims by the 3rd Respondent and Austro-Invest, premised upon a purported foreigne international financial engineering agreement arising out of the agreements dated 26th April 2006, and other international business agreements arising out of the said agreements with the Government of Ghana which were never laid before Parliament for approval is inconsistent with and in contravention of Article 181(5) of the Constitution 1992 in terms of the interpretation already rendered by the ordinary bench and are accordingly declared null, void and without effect whatsoever.
2. A declaration that the High Court which purported to and assumed jurisdiction in the action commenced by the 3rd Respondent (as plaintiff) on 19th April 2010 in suit No. RPC/152/10 against the 1st Respondent claiming damages for breach of contract in an international business transaction contrary to Article 181(5) of the Constitution 1992 and entering judgment in default of defence against the 1st Respondent, therein, 1st Defendant, acted without jurisdiction; consequently those proceedings and others consequent upon the said proceedings and orders of the High Court are thereby declared null, void and without effect whatsoever.
3. A declaration that the conduct of the 3rd Respondent, therein Plaintiff, jointly with Ausfro-Invest management limited in making claims upon and including the issuance of a writ of summons with the support of 2nd defendants therein and receiving payments premised upon breaches of the two inoperative agreements dated 26th April, 2006 between the 2nd defendant and the Government of Ghana, which are International business or economic transactions which had not

been laid and approved by Parliament is inconsistency with and in contravention of Article 181 (5) of the Constitution.

4. An order directed at the 3rd 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 1st Respondent, therein 1st Defendant in purported pursuance of the said inoperative Agreements dated 26th April 2006.

We make no orders relative to costs in these proceedings.

(SGD) G. T. WOOD (MRS)

CHIEF JUSTICE

(SGD) J. ANSAH

JUSTICE OF THE SUPREME COURT

(SGD) S. O. A. ADINYIRA (MRS)

JUSTICE OF THE SUPREME COURT

(SGD) R. OWUSU (MS.)

JUSTICE OF THE SUPREME COURT

(SGD) J. V. M. DOTSE

JUSTICE OF THE SUPREME COURT

(SGD) ANIN YEBOAH
JUSTICE OF THE SUPREME COURT

(SGD) P. BAFFOE-BONNIE
JUSTICE OF THE SUPREME COURT

(SGD) N. S. GBDEGDBE
JUSTICE OF THE SUPREME COURT

(SGD) V. AKOTO-BAMFO (MRS)
JUSTICE OF THE SUPREME COURT

(SGD) A. A. BENIN
JUSTICE OF THE SUPREME COURT

(SGD) J. B. AKAMBA
JUSTICE OF THE SUPREME COURT

