

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT
ACCRA - AD 2017**

**WRIT INVOKING THE ORIGINAL JURISDICTION OF THE SUPREME
COURT**

SUIT NO:

BETWEEN

1. HIS LORDSHIP JUSTICE PAUL UTER DERY **1ST PLAINTIFF**
H/No. B11
Okpoi Gonno, Spintex Road
Accra

2. HIS LORDSHIP JUSTICE MUSTAPHA HABIB LOGOH **2ND PLAINTIFF**
Plot No. 53, Manet Cottage
Spintex Road, Accra

3. HIS LORDSHIP JUSTICE GILBERT AYISI ADDO **3RD PLAINTIFF**
Unnumbered House
Teiman

V.

1. THE CHIEF JUSTICE **1ST DEFENDANT**
OF THE REPUBLIC OF GHANA
Supreme Court Building
Accra

2. THE ATTORNEY GENERAL **2ND DEFENDANT**
Attorney General's Department
Ministries, Accra

TO:

1. THE CHIEF JUSTICE **1ST DEFENDANT**
OF THE REPUBLIC OF GHANA
Supreme Court Building

Accra

2. THE ATTORNEY GENERAL
Attorney General's Department
Ministries, Accra

2ND DEFENDANT

IN THE NAME OF THE REPUBLIC, you are hereby commanded within fourteen days after service on you of the Plaintiffs' Statement of Case, inclusive of the day of service to file or cause to be filed for you, the Defendants' Statement of Case in an action at the suit of: HIS LORDSHIP JUSTICE PAUL UTER DERY, HIS LORDSHIP JUSTICE MUSTAPHA HABIB LOGOH and HIS LORDSHIP JUSTICE GILBERT AYISI ADDO.

The nature of the reliefs sought are as follows:

1. A declaration that upon a true and proper interpretation of **Article 88(1) & (5) of the 1992 Constitution**, it is only the Attorney-General, the 2nd Defendant herein, who has a constitutional responsibility to represent the Chief Justice, the 1st Defendant herein, as lawyer in all civil actions against the latter in any court in Ghana.
2. A declaration that upon a true and proper interpretation of **Article 88(1) & (5) of the 1992 Constitution**, the Chief Justice, the 1st Defendant herein, acted unconstitutionally when she purportedly instructed Kizito Beyuo, a private legal practitioner, to represent her as lawyer in **Suit No. J1/2/2017** pending in this Court, which suit is challenging the official acts of the Chief Justice, the 1st Defendant herein.
3. A declaration that upon a true and proper interpretation of **Article 88(1) & (5) of the 1992 Constitution**, Kizito Beyuo, a private legal practitioner, acted unconstitutionally when he entered appearance for the Chief Justice, the 1st Defendant herein, in **Suit No. J1/2/2017** pending in this Court, which suit is challenging the official acts of the Chief Justice, the 1st Defendant herein.

4. A declaration that the purported instructions of the Chief Justice, the 1st Defendant herein, to Kizito Beyuo, to represent her in **Suit No. J1/2/2017** in this Court is null and void as same is in contravention of **Article 88(1) & (5) of the 1992 Constitution**.
5. A declaration that the conduct of Kizito Beyuo, in entering appearance for the Chief Justice, the 1st Defendant herein, in **Suit No. J1/2/2017** in this Court is null and void as same is in contravention of **Article 88(1) & (5) of the 1992 Constitution**.
6. A declaration that the entry of appearance filed by Kizito Beyuo for and on behalf of the 1st Defendant herein is alien to the rules of practice and procedure of this Court prescribed in C.I 16 and as such, same is void.
7. An order nullifying the entry of appearance by Kizito Beyuo, for and on behalf of the Chief Justice, the 1st Defendant herein.
8. Any other order(s) or directions as the Court deems appropriate to make to give effect or enable effect to be given to the declarations made herein pursuant to **Article 2(2) of the 1992 Constitution**.

The capacity in which the Plaintiffs bring the action is as follows:

The Plaintiffs bring this action as citizens of Ghana and Justices of the Superior Court of Judicature.

The address for service of the Plaintiffs are as follows:

1. H/No. B11
Okpoi Gonno, Spintex Road
Accra
2. Plot No. 53, Manet Cottage
Spintex Road, Accra
3. Unnumbered House
Teiman
Accra

The names and addresses of the persons affected by this Writ are as follows:

**1. THE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA**
Supreme Court Building
Accra

1ST DEFENDANT

2. THE ATTORNEY GENERAL
Attorney General's Department
Ministries, Accra

2ND DEFENDANT

DATED AT ACCRA THIS 10TH DAY OF MARCH, 2017.

Justice Paul Uter Dery
The 1st Plaintiff

Justice Mustapha Habib Logoh
The 2nd Plaintiff

Justice Gilbert Ayisi Addo
The 3rd Plaintiff

The Registrar
Supreme Court
Accra

And for service on the above named Defendants:

**1. THE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA**
Supreme Court Building
Accra

1ST DEFENDANT

2. THE ATTORNEY GENERAL
Attorney General's Department
Ministries, Accra

2ND DEFENDANT