

PRESIDENT'S CONDUCT AFTER COURT ORDER IS MORE REASON GHANA NEEDS A NEW PRESIDENT ON 7TH DECEMBER 2016: MARTIN A. B. K. AMIDU

The incumbent Government of our dear country which is enjoined to respect and uphold the fundamental human rights and freedoms of all persons in Ghana has demonstrated that it cannot do so and that it is constitutionally incompetent to be voted for at the 7th December 2016 Presidential elections.

I exercised a fundamental constitutional right as a plaintiff/applicant to apply to the Supreme Court for leave to examine orally on oath the unconstitutional "lootee" (Woyome/Austro-Invest) ordered to refund GHC51, 283, 483. 59 to the Republic. The looter (the incumbent Government) who had been declared to have unconstitutionally looted the monies for the "lootee" (now styling itself as a judgment creditor for the money it looted for the lootee) opposed my application with the support of the lootees both by affidavit. In spite of the concerted argument of both the looter Government and unconstitutional lootee (now styled judgment debtor), the Supreme Court has granted my application to examine the lootee/unconstitutional judgment debtor on 24th November 2016.

Immediately after the Supreme Court's decision the lootee/judgment debtor launched a campaign of vilification against my person, and the Supreme Court as an institution - in words better left unprinted - to the electronic and print media in the forecourt and outside the Court premises, at press conferences and in interviews. The outbursts of a losing party may be ignored as tension relieving therapy for his wounded ego, emotions, and mental exhaustion.

But then the President of the Republic of Ghana, who has sworn a constitutional oath of office to uphold and defend the Constitution of Ghana as by law established, grants an interview to the press after the decision of the Court on the same day. Moreover, the President is shown on television that night castigating the decision of the Supreme Court he has sworn to defend and uphold. At the same time and in his interview, the President takes an intimidating stand against the beneficiary of the decision and order of the Court by charging him with spreading falsehoods. The President then turns himself into a Supreme Judge by defending his Attorney General who had just lost the application at Court.

Is this then not a President (with the Executive Authority including all policing powers) who is intimidating me simply for exercising my constitutional right to access to justice before the Supreme Court?

The conduct of the President convinces me as a senior and foundation member of the governing NDC, that he would do everything in his power to ensure that the examination orally on oath of the lootee for whom his Government looted the public purse, may not come on 24th November 2016. Mark my words. The President can further subvert the cause of justice so that the people of Ghana do not hear the truth about the loot of the public purse he led until after the elections on 7th December 2016. We need patriotic public pressure and opinion to dissuade such intentions.

Once the President of the Republic had unconstitutionally castigated and questioned the independence of the judiciary in granting my application, and after charging me with falsehood, he then let loose his attack dogs. Dominic Ayine, the Deputy Minister for Justice who represented the Government in the Supreme Court and opposed my application, and others, went public with the electronic and print media to mount unconstitutional and contumacious attacks and insults on the Court decision and on my person for daring to access the Court.

The Deputy Minister for Justice, Dominic Ayine, who appeared for the Attorney-General and argued against my application, was and is an officer of the Court. Surely, as one who is properly trained and who has practiced under competent seniors since his call to the Bar, he would have known that as an officer of the Court it is unethical to resort to the press to criticize a Court decision one has argued and lost. The ethical practice is to go on an appeal or apply for a review of the decision should those options be open, or to shut up. It is scandalous and a bad example for a Deputy Minister of Justice who has also sworn to uphold the Constitution to take a cue from his President and castigate the Court and its decision, including the beneficiary of the decision.

Since when did it become the ethical practice of any responsible and respected lawyer committed to the rule of law, independence of the judiciary, the independence of the legal profession, constitutionalism and democracy to resort to the print and electronic media as the medium of arguing an appeal or review of the decision of a Court of law he has lost?

Dominic Ayine, the Deputy Minister for Justice, instead of exercising a right to review of the Court decision, calls me a liar in the media. (The shallow-educated Minister of Communications who struggled to pass his bachelor of medicine and surgery degree exams and whose practice of medicine since graduating has been as Deputy Minister and later Minister for Communications called me by the same Government-rehearsed phrase the previous Saturday and got a fitting response). Dominic Ayine charges me with lying on oath because of my affidavit in support of my application with his stated accusation: "So he is the one who is lying on oath to achieve his evil political agenda of tarnishing the image of his successor in office." But the statement exposes Ayine's lack of good lawyering skills and raises the question of whether he studied under any eminent and seasoned senior before his appointment as Deputy Minister for Justice.

Let us examine what happened. Martin Amidu deposes to an affidavit which Ayine thinks constitutes perjury. The Attorney General who is Ayine's one year senior at the Bar deposes to an affidavit in person in opposition together with a con cheque and receipt. Ayine's Attorney General's affidavit was served on me only in the Court room, which led me to tell the Court that I was ambushed with the affidavit in Court. In my experience one does such things to compel the other party to ask for an adjournment to study the affidavits served in Court. The Court offered me an adjournment but I refused and deprived the Government of its suspected intention to postpone the hearing to after 7th December 2016. Then Ayine's inexperience became manifest and visible.

Instead of Ayine insisting to cross-examine me upon my affidavit, he proceeded to argue and ask that certain portions be struck out. I was amused. Ayine called me a liar and a perjurer in the media. He gets all the opportunity if he were a seasoned lawyer to prove it in Court. He failed even to apply orally to the Court to cross-examine me, and to put me to strict proof as stated in their own affidavit. His action was due either to inexperience or incompetence as a practicing lawyer. Ayine then runs to the only place he is competent in showing how knowledgeable he is as a lawyer rather than before the Supreme Court – the print and electronic media - and he charges me with being a liar. This is so pathetic a display by a Deputy Minister of Justice of the Republic of Ghana. Where have the ethics of the legal profession gone?

Ayine lost his court-room opportunity to prove his assertion that I was lying. My sources, which he lost the chance to probe, are in both the office of the Attorney General and the office of the President because I have served in Government for such a long time and have maintained credible sources since the PNDC days. Ask the former Chairman of the PNDC and founder of the NDC who is my moral compass in the NDC for my capabilities before calling me a liar. No lies!

Will Ayine wish to tell Ghanaians where he was and what he was doing when I was PNDC Deputy Secretary for the Upper East Region (from which we both hail) in February 1983? Where was Ayine and what was he doing when I became the PNDC Deputy Attorney General in 1988? Above all, should Ayine have a problem with his recollection then perhaps his elder brother, Billy, who worked with me as a member of the CDR at the time can help him answer my questions. Ayine may also wish to ask his mentor and my personal friend Mr. Akolgo, former PNDC Secretary for the Frafra District for help. Or perhaps he should talk about my honour and integrity to Mr. Atuguba, the former lawyer of his elder brother, Billy, whom I persuaded as then Acting PNC Secretary for the Upper East Region in 1984 to represent him.

People who know me closely, including my teachers and lecturers, know that I have throughout my life stood for the principles I believe in and in my own conscience and it is strange that Ayine, whose family has benefitted from my upright character, insults me because the President has set him against me.

Ayine, said further on classfm radio that they do not fear Amidu and continued: “[Martin] Amidu and Ace Ankomah and the others, they all know that Marietta and I will never take a bribe.” I conduct my cases in Court as plaintiff since I ceased to practice as a lawyer from January 2012. Ace Ankomah just came to talk to me after the hearing of my application. He is not my friend but I am open to talking to all promising younger lawyers who show promise like Ace, and he does not deserved to be linked up with my one-man vigilante activism.

I have never said anywhere that Ayine or Marietta take bribes. I do not know what worried Ayine to make such a statement or whether there is such a cap that fits them. Is there anything he suspects I know or ought to know about him and Marietta concerning bribe taking? He has put

me on the enquiry! But I told Ayine in a written statement in 2013 when he was basking in his new appointment to take his time and to learn the ropes of the job in the Attorney General's office before beginning to run, else, he may break a leg. Ayine does not appear to have learnt any lessons and is still talking like a loose cannon. Ayine! Whether you and Marietta take bribes or not, what I can tell you is that I am the longest served political appointee in the Attorney General's office. I have told you already that most of the Chief State Attorneys in that office started working with me in 1988 as Deputy Attorney General when you had not entered the University of Ghana and so it would be wise to respect them and learn from their experience. Ayine, your arrogance and insolence to both your seniors and other attorneys has led to most of them disliking you and you will know how much you are disdained there once a new Attorney General is appointed when the Government loses this year's elections.

I do not intend to respond to the fulminations of the embittered unconstitutional lootee (Woyome) whom I may examine orally on oath on 24th November 2016. I will not fall into the machinations of someone so mentally exhausted, and consequently so ignorant and disrespectful of the law, to have me comment on the decision and order of the Court which is pending. He and the media may continue with their contempt of the Court while the decision and order are pending. I will not be part of it.

Fellow Ghanaians, the conduct of the President after the decision and order of the Supreme Court on 15th November 2016 in publicly casting aspersions on the Court and the beneficiary of the order shows clearly that as the chief looter in this case, the President is determined to prevent the examination ordered by the Court in the absence of strong patriotic public pressure and opinion. The lootees, Woyome/Austro-Invest, speaking through Woyome, have said to the media and it is published to the public that he would fight the order of Court to the last drop of his blood.

What more evidence of collusion between the looting Government and the lootees (Woyome/Austro-Invest) do we need as citizen voters that the only way out for us to have our money back is to vote for a new President in this year's election? You have the evidence in the President's own unconstitutional conduct!

I say again countrymen and women with all my soul and with all my heart that: "...Let us protect our Constitutional rights and not be hoodwinked by electioneering ploys. Let us get our GHC51, 283, 483. 59 back.

Defend the 1992 Constitution by voting for a new President on 7th December 2016 to get our money back. God bless Ghana and put Ghana First!"

Martin A. B. K. Amidu
19th November 2016

