

MARTIN AMIDU'S WRIT AND STATEMENT OF CASE AT THE SUPREME COURT: BY MARTIN A. B. K. AMIDU

I have as a citizen of Ghana exercised my right pursuant to Articles 2 and 130 of the 1992 Constitution and filed a Writ No. J1/15.2012 and a Statement of Case as Plaintiff at the Supreme Court asking for a number of declarations of nullity and consequential reliefs against: (1) the Attorney-General (2) Waterville Holdings (BVI) Limited (3) Austro-Invest Management Limited and (4) Alfred Agbesi Woyome for various actions and conduct on their part in the making and payment of claims against the Government. My main contention is that the alleged Agreements between the Republic of Ghana and Waterville and its associates, Austro-Invest, and Mr. Woyome were loan and international business or economic transactions which never became operative for lack of Parliamentary approval under Article 181 of the Constitution. I also raise the issue whether or not the Republic of Ghana can pay claims for a loan transaction which never went to Parliament and was never received by the Government of Ghana. I have also raised the issue of the jurisdiction of the High Court to have entertained Mr. Woyome's Suit No. RPC/152/10 against the Republic of Ghana on grounds of his lack of locus standi and a cause of action to commence the action in the first place for absence of a contract with the Government of Ghana. The foregoing summarizes the reliefs I am seeking from the Supreme Court.

When I became aware of the transaction giving rise to Mr. Woyome's suit at the High Court I tried through my application to amend the Republic's Writ and Statement of Claim dated 16th January 2012 to have all the issues, including the international business nature of the Agreement, determined eventually by the Supreme Court. Unfortunately I was not allowed to do so. Waterville, and Austro-Invest have to date not been joined to the action in the High Court as planned before I exited office. I have since I exited the Government tried through a number of public statements (and indeed behind the scenes) to get what I perceive to be the national and public interest, including that of the National Democratic Congress (NDC), protected to no serious avail.

As a member of the NDC, I am firmly of the view that the NDC has an obligation to itself and the Government we all helped to bring into office to ensure an expeditious conclusion of this matter in accordance with the NDC's cherished objects and values. My views on this matter have already been stated and do not need repetition. As time flies I notice that no citizen, human or corporate, is raising the public interest constitutional issues for a quick determination by the Supreme Court to enable us face the 2012 Elections with this baggage behind the nation. I have accordingly decided to bring this action in the Supreme Court to vindicate the principles and values that led me first into the 31st December Revolution and then into the NDC.

I should say for those who like intimidating me with the existing State Secret Act, 1962 (Act 101) originating from the 1st Republican era, that I was told on 23rd December 2011 that the Attorney-General's Office had lost the original file on this matter in 2006. The only copy of the two Agreements it had on its file was an unsigned copy of the Ohene

Djan Sports Stadium and El Wak Stadium in Accra Agreement. Most of the exhibits I have used are already in the public newspaper domain and all I did was to go round soliciting for them for my action in the Supreme Court. I am not aware that the Attorney-General's Department had most of them on its file at the time I exited office because I never saw them when I was preparing the application for amendment to the High Court.

Civilized people use civilized means to resolve conflicts resulting from their social and political interaction. The Constitution is a conflict resolution mechanism for the nation. The Supreme Court in the wisdom of the framers of the 1992 Constitution is the highest, authoritative, and final conflict resolution organ of the State. I will, therefore, not argue this pending case in the court of the media or public opinion. I know that I have taken a leap by going to the Supreme Court with a public interest action and I also know that in such matters my wishes may not necessarily prevail in the end. In any event, I will have had the inherent satisfaction of having had my day in the Supreme Court after it has finally and authoritatively spoken on the matter, whether I prevail or not in my point of view. Fear, in my respectful view, is the enemy of change that puts Ghana First.

MARTIN A. B. K. AMIDU