

OFFICE OF THE ATTORNEY-GENERAL
AND MINISTRY OF JUSTICE
CIVIL DIVISION
P.O. BOX MB 60 ACCRA

Filed on 26/05/2025
at 3:15 am/pm
.....Registrar
SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT
ACCRA - A.D. 2025

SUIT NO.: J8/113/2025

BETWEEN

HER LADYSHIP, JUSTICE
GERTRUDE ARABA ESAABA
SACEY TORKORNOO, C.J.
Chief Justice's Residence
Cantonments, Accra.

PLAINT/APPLICANT

AND

THE ATTORNEY-GENERAL
#4 Old Racecourse Drive
Ministries, Accra.

1ST DEF/RESPONDENT

HIS LORDSHIP, JUSTICE
GABRIEL SCOTT PWAMANG, J.S.C.
Supreme Court Building,
J.E.A. Mills High Street, Accra.

2ND DEF/RESPONDENT

HIS LORDSHIP, JUSTICE
SAMUEL KWAME ADIBU-ASIEDU, J.S.C.
Supreme Court Building,
J.E.A. Mills High Street, Accra.

3RD DEF/RESPONDENT

DANIEL YAO DOMELOVO
Greater Accra.

4TH DEF/RESPONDENT

MAJOR FLORA
BAZAAWAABNUBA DALUGO
Burma Camp, Greater Accra.

5TH DEF/RESPONDENT

PROFESSOR JAMES SEFAH DZISAH
University of Ghana,
Legon, Greater Accra.

6TH DEF/RESPONDENT

AFFIDAVIT IN OPPOSITION
TO MOTION ON NOTICE (DATED MAY 21, 2025) FOR AN ORDER OF
INTERLOCUTORY INJUNCTION

I, REGINALD NII ODOI, State Attorney at the Office of the Attorney-General, Number 4 Old Racecourse Drive, Ministries (Victoriaborg),

Accra, make oath and say as follows:

1. That I am the deponent herein.
2. That I have the consent and authority of the Attorney-General to depose to this affidavit for and on his behalf, which affidavit is, *jointly*, for and on behalf of the Attorney-General, the 2nd, the 3rd, the 4th, the 5th, and the 6th Defendants/Respondents (hereinafter referred to as the "Respondents").
3. That the matters I have deposed to in this affidavit are matters which have come to my knowledge, information and belief in the performance of my duties.
4. That at the hearing of this motion, the Attorney-General shall seek the leave of this honourable Court to refer to all the processes which are filed in this matter as if such processes are duly exhibited to this affidavit.
5. That apart from the allegations of fact which I have expressly admitted in this affidavit, the Attorney-General denies each allegation of fact contained in the affidavit in support of the motion as if such allegations were set out fully and specifically denied in this affidavit.
6. That the Attorney-General is opposed to the prayer of the Plaintiff/Applicant (hereinafter referred to as the "Applicant") for an order for interlocutory injunction in this matter.
7. That in respect of the deposition in Paragraph 16 of the affidavit in support of the motion, the Attorney-General admits that, *truly*, an opinion poll found that a majority of Ghanaians support the Applicant's removal from office (only 20% do not); but denies that the organisation which conducted the polls is close or is known to be close to the Government.
8. That in respect of the allegations (in Paragraph 17 of the affidavit in support of the motion) of leakages of the processes in the removal proceedings to the public, the Attorney-General denies ever leaking any such processes; and states that the only person who, contrary to express constitutional injunction, has consistently published the processes to the public is the Applicant.

9. That the Attorney-General denies the depositions in Paragraphs 18 and 19 of the affidavit in support of the motion; and states that the requirement that the proceedings be held *in camera* is a constitutional command which, by your Lordships' reasoning in case law, is meant to preserve, protect and safeguard not only the dignity of the Applicant, but also the dignity, authority and independence of the entire judiciary, and to, also, protect potential witnesses from some forms of recrimination.
10. That in further response to the depositions in Paragraphs 18 and 19 of the affidavit in support of the motion, the Attorney-General states that while the Applicant *may* be entitled to waive her rights (if any) to the protection and safeguards offered by the *in camera* hearing, the Applicant, being just one member of the constituents who are offered this safeguards and protection, is not in any way entitled to (and, therefore, *cannot*) waive such right to such protection or safeguards for the entire judiciary or potential witnesses in the matter.
11. That the Attorney-General denies the depositions in Paragraphs 20, 21, 22, and 23 of the affidavit in support of the motion; and states that the true and proper record of the consultative or advisory proceedings between the Council of State and the President on the three petitions (for the removal of the Applicant from the office of the Chief Justice) has been duly supplied to the persons who are, *by law*, entitled to be supplied.
12. That in further response to the Applicant's depositions in Paragraphs 20, 21, 22, and 23 of the affidavit in support of the motion, I am advised and I verily believe the same to be true that, by law, the appropriate remedy for not receiving a document or a process which the Applicant believes to be entitled is not an order of interlocutory injunction.
13. That in additional response to the Applicant's depositions in Paragraphs 20, 21, 22, and 23 of the affidavit in support of the motion, the Attorney-General states that this honourable Court has already, on **May 21, 2025**, in the case of **Centre for Citizenship Constitutional and Electoral Systems LBG v The Attorney-General & 2 Others** (Suit number J8/106/2025, Supreme Court ruling dated May 21, 2024) summarily dismissed the Applicant's

claims in the named Paragraphs as an insufficient basis for a grant of an order of interlocutory injunction in the circumstances of the present matter.

14. That the Attorney-General denies the depositions in Paragraph 24 of the affidavit in support of the motion; and states that the proper standard for disqualifying a person from adjudicating a matter on grounds of bias is real likelihood of bias; and that previously adjudicating a matter to which a present litigant was a party, regardless of the outcome of the adjudication, does not *of or by itself* constitute evidence of real likelihood of bias.
15. That the Attorney-General denies the depositions in Paragraph 25 of the affidavit in support of the motion and states that the 3rd Respondent never heard the matter in reference; and that the question whether the 3rd Respondent ever heard the matter in reference was previously raised by the counsel for the Applicant, and was duly determined in the negative in a unanimous ruling on **May 6, 2025**.
16. That in further response to the Applicant's depositions in Paragraphs 25 of the affidavit in support of the motion, the Attorney-General states that it is a breach of the ethics of the legal profession and an abuse of the processes of the honourable Court for counsel to repeat or allow to be repeated in court an *allegation of fact* which counsel knows has been duly decided in the negative by a court of competent jurisdiction.
17. That the Attorney-General denies the depositions in Paragraph 26 of the affidavit in support of the motion; and states that the members of the inquiry committee have duly taken the relevant oaths of office.
18. In further response to the depositions in Paragraph 26 of the affidavit in support of the motion, I am advised and I verily believe the same to be true that the legal effect of a *failure* of (in contradistinction with a *refusal* by) a person to take a relevant oath of office is neither a disqualification of the person from performing the functions, nor a nullification of the functions already performed.
19. That I am, again, advised by counsel, and I verily believe the same to be true that, contrary to the Applicant's depositions in

Paragraphs 14, 15 and 27 of the affidavit in support of the motion, the steps which the President, the Council of State and the inquiry committee have, so far, taken in the process of the Applicant's removal from the office of the Chief Justice are sternly consistent with the provisions of the Constitution and case law.

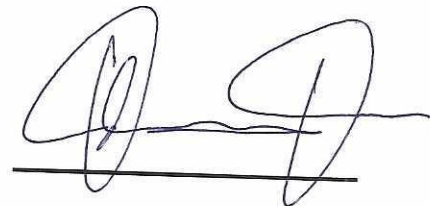
20. That, finally, I am advised by counsel, and I verily believe the same to be true that this is a proper case where this honourable Court ought to exercise its jurisdiction to dismiss the motion for an order of injunction pending the determination of the matters in the substantive suit.

WHEREFORE I swear to this affidavit in support of this application praying for the dismissal of the Applicant's motion.

SWORN AT ACCRA


THIS 26TH DAY OF

MAY 2025 }



DEPONENT

BEFORE ME



COMMISSIONER FOR OATHS

REG
SUPREME COURT
ACCRA GR

AND FOR SERVICE ON:

The Plaintiff/Applicant's lawyer, **MR GODFRED YEBOAH DAME, ESQ.**, whose address for service is Dame & Partners Unlimited, 55A Kakramadu Link, Cantonment, Accra.