

In case of reply the number and date of this letter should be quoted.



SUPREME COURT
P. O. BOX 119
ACCRA, GHANA

My Ref. No.

Suit No.

J1/5/2024

Your Ref. No.

Title of case

REPUBLIC OF GHANA

13-12-2024

JONATHAN AMABLE

URS

THE ATTORNEY GENERAL

Motion Type

APPLICATION FOR COMMITTAL FOR CONTEMPT

Dear Sir/Madam,

FIXING OF DATE FOR HEARING OF APPLICATIONS (GENERALLY)

Please, take notice that a date will be fixed for hearing of the above-stated application with hearing notice(s) for the Respondent(s) from the Registrar upon request, 14 days after service of the application on the Respondent.

Counting on your usual cooperation.

Thank you.

REGISTRAR, SUPREME COURT

(1) JONATHAN AMABLE

(2) DR. MOHAMMED ANIN ADAM

(THE HONOURABLE MINISTER FOR FINANCE)

REGISTRAR
SUPREME COURT
ACCRA, GHANA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA - A. D. 2024

Filed on 13/12/24
at 1:10 am/pm
Registrar
SUPREME COURT OF GHANA

WRIT NO.: J1 / 5 / 2024

IN THE MATTER OF A WRIT TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT
PURSUANT TO ARTICLES 2 (1) AND 130 OF THE 1992 CONSTITUTION OF GHANA & RULE 45 OF
THE SUPREME COURT RULES, 1996 (CI 16)

JONATHAN AMABLE : **PLAINTIFF**
Unity Lodge
Anloga, Volta Region
Ghana.

AND

THE ATTORNEY GENERAL : **DEFENDANT**
Office of the Attorney – General
Accra

AND IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT OF COURT

THE REPUBLIC

VRS

DR. MOHAMMED AMIN ADAM : **RESPONDENT**
The Honourable Minister For Finance
Ministry Of Finance
Ministries, Accra

EX PARTE:

JONATHAN AMABLE : **APPLICANT**
Unity Lodge
Anloga, Volta Region
Ghana

APPLICATION FOR COMMITTAL FOR CONTEMPT OF COURT

TAKE NOTICE that Counsel for and on behalf of the Applicant herein will pray this Honourable Court for an order for an order committing the Respondent for contempt upon the grounds

contained in the accompanying affidavit and for such order(s) as this Honourable Court may deem just and proper in the circumstance.

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A DATE TO BE FIXED

COURT TO BE MOVED on the day of 2024 at 9'oclock in the forenoon or so soon thereafter as Lawyers for the Applicant may be heard.

DATED AT ACCRA THIS 10TH DAY OF DECEMBER 2024



JONATHAN AMABLE ESQ
Plaintiff / Applicant
Unity Lodge
Anloga

THE REGISTRAR
SUPREME COURT
ACCRA

AND FOR SERVICE ON THE RESPONDENT PERSONALLY

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA - A. D. 2024



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: **DEFENDANT**

AND IN THE MATTER FOR AN APPLICATION FOR COMMITTAL FOR CONTEMPT

THE REPUBLIC

VRS

DR. MOHAMMED AMIN ADAM

The Honourable Minister For Finance
Ministry Of Finance
Ministries, Accra

: **RESPONDENT**

EX PARTE:

JONATHAN AMABLE

Unity Lodge
Anloga, Volta Region
Ghana.

: **APPLICANT**

AFFIDAVIT IN SUPPORT

I, JONATHAN AMABLE of Unity Lodge, Anloga in the Volta Region of the Republic of Ghana do
hereby make oath and say as follows:

1. I am the applicant and deponent herein.
2. That I am a finance lawyer and a citizen of Ghana and the facts which I depose to in this affidavit are unless otherwise stated, within my personal belief, information and knowledge.
3. That in February 2024, I caused my lawyers to file a writ and statement of case to invoke the original enforcement jurisdiction of this Honourable Court claiming the following reliefs:
 - a. *a declaration that articles 181(3), 181(4) and 181(6) of the 1992 Constitution control all and any type of borrowing or debt financing operations undertaken by the Government of Ghana, including loans from (and bonds and other debt instruments issued to) the Bank of Ghana by the Government of Ghana, and as well as domestic and international issuances of treasury bills, treasury notes and treasury bonds by the Government of Ghana;*
 - b. *a declaration that section 30 of the Bank of Ghana Act, 2002 (Act 612) as amended by the Bank of Ghana (Amendment) Act, 2016 (Act 918) is inconsistent with, and contravenes, article 181(4) of the Constitution of Ghana, 1992;*
 - c. *a declaration that section 61 of the Public Financial Management Act, 2016 (Act 921) is inconsistent with, and contravenes, article 181(4) of the Constitution of Ghana, 1992;*
 - d. *a declaration that regulation 165 of the Public Financial Management Regulations, 2019 (L.I. 2378) is inconsistent with, and contravenes, article 181(4) of the Constitution of Ghana, 1992;*
 - e. *a declaration that regulation 168 of the Public Financial Management Regulations, 2019 (L.I. 2378) is inconsistent with, and contravenes, article 181(4) of the Constitution of Ghana, 1992;*

- f. *a declaration that regulation 169(2) of the Public Financial Management Regulations, 2019 (L.I. 2378) is inconsistent with, and contravenes, article 181(4) of the Constitution of Ghana, 1992;*
- g. *a consequential order striking out the relevant offending provisions from the Bank of Ghana Act, 2002 (Act 612) as amended by the Bank of Ghana (Amendment) Act, 2016 (Act 918), Public Financial Management Act, 2016 (Act 921), and Public Financial Management Regulations, 2019 (L.I. 2378);*
- h. *a declaration that the USD 10 billion COVID-19 Relief Bond transaction between the Ministry of Finance and the Bank of Ghana as part of a Bank of Ghana asset purchase programme is unconstitutional and contravenes article 181(4) of the Constitution of Ghana, 1992;*
- i. *a consequential order for the unwinding of the USD 10 billion COVID-19 Relief Bond transaction between the Ministry of Finance and the Bank of Ghana on the basis of its unconstitutionality;*
- j. *a declaration that the financing of the construction of the National Cathedral from the Consolidated Fund as a contingency vote matter without the prior approval of the Speaker of Parliament and the Chairperson of the Council of State was contrary to and contravenes article 179(11) of the Constitution of Ghana, 1992;*
- k. *a consequential order for the return of all moneys which were unconstitutionally withdrawn from the Consolidated Fund to finance the construction of the National Cathedral; and*
- l. *any other reliefs or orders as this Court may deem just, convenient and proper to grant.*

Copy of Writ and Statement of Case attached and marked as Exhibit A

- 4. That I caused a search to be conducted in the registry of this Honourable Court which reveals that the Writ of Summons and Statement of Case were served on the Attorney-General (as nominal defendant in all constitutional actions and the lawful representative

of the Government of Ghana, which is the person undertaking the impugned unconstitutional actions) on 7 February 2024 and 16 February 2024 respectively.

Copy of search result issued by the Registrar of the Supreme Court on 28 November 2024 attached and marked as Exhibit B

5. That as at the date of the filing of this application the Attorney-General has refused, failed and neglected to file a statement of defence in response to my case as required by the rules of this Honourable Court.
6. That on the 11th of November 2024, I caused my lawyers to file an application for interlocutory injunction seeking to restrain the Government of Ghana, through any of its ministries, agents or assigns, from undertaking any activity which constitutes borrowing or debt financing operations (including raising debt financing through advances and the issuance of treasury bills, treasury bonds, and any other debt instruments) without prior parliamentary approval of the legal and commercial terms of such borrowings, pending the final determination of the substantive matter.

Copy of my Application for Interlocutory Injunction and Affidavit in support attached and marked as Exhibit C

7. That I caused a search to be conducted in the registry of this Honourable Court which reveals that the application for interlocutory injunction was duly served on the Attorney-General (as the person who is constitutionally required to be served with legal processes on behalf of the Government of Ghana) on 12 November 2024.

Copy of search result issued by the Registrar of the Supreme Court on 28 November 2024 attached and marked as Exhibit D

8. That the Respondent is, at all material times, the executive head of the Ministry of Finance, the department of the Government of Ghana which is responsible for the issuance of treasury bills and raising other loans on behalf of the Government of Ghana. For the purpose of issuing treasury bills, the Respondent mandates the Bank of Ghana to collate bids from interested primary dealers and submit the auction results to the Respondent for consideration and acceptance.

9. That despite the pendency of and since the filing of the application for interlocutory injunction, the Respondent has issued treasury bills on 4 occasions, raising aggregate amounts of approximately GHS 5.2 billion, GHS 6.4 billion, GHS 3.8 billion and GHS 5.2 billion for the 4 consecutive weeks following immediately after the filing of the application for interlocutory injunction. Altogether, the Respondent has raised new loans of GHS 20.6 billion since the filing of the injunction application and has evinced an intention to borrow an additional GHS 6.8 billion on 13th December 2024.

Copies of auction results for Government Of Ghana Treasury Bills Tenders numbered 1929, 1930, 1931 and 1932 attached and marked as Exhibit E Series

10. That I am advised by counsel and believe same to be true that the Respondent's conduct is an interference with the administration of justice and amounts to contempt of this Honourable Court.

11. That I am advised by Counsel and verily believe same to be true that unless the Respondent is committed for contempt, the Government of Ghana would continue in these unconstitutional acts which obstruct the path of justice.

12. That this is a proper case for this Honourable Court to commit the Respondent for contempt and I pray this court to so do.

WHEREFORE I swear to this affidavit in support.

SWORN AT ACCRA

This ¹²13 day of December 2024


DEPONENT

BEFORE ME

PETER K. NINSIN
TELE 00 97 15
P. O. BOX 17 54
CANTONMENT
COMMUNICATIONS SERVICE
COMMISSIONER FOR OATHS

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA - A. D. 2024

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JONATHAN AMABLE : **APPLICANT**
Unity Lodge
Anloga, Volta Region
Ghana.

CERTIFICATE OF EXHIBITS

I, *PETER K. ICABO*
hereby certify that the under listed have been
exhibited to the affidavit sworn before me:

1. Exhibit A: Writ and Statement of Claim;
2. Exhibit B: Search result issued by the Registrar of the Supreme Court on 28 November 2024;
3. Exhibit C: Injunction motion and affidavit in support;
4. Exhibit D: Search result issued by the Registrar of the Supreme Court on 28 November 2024; and
5. Exhibit E: Results issued by Bank of Ghana for Government Of Ghana Treasury Bill Tenders numbered 1929, 1930, 1931 and 1932.

DATED THIS

18th

OF DECEMBER 2024

