3/10/2024

Filed on ... 2:42 ... am/pm

at ... Registrar

HIGH COURT, ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(HUMAN RIGHTS DIVISION)
ACCRA A.D. 2024

SUIT NO: HR/001/2025

BETWEEN

1. ELORM AMA GOVERNOR-ABABIO alias AMA GOVERNOR] -APPLICANTS
2. OLIVER BARKER VORMAWOR]
3. FELICITY NELSON]
4. RAPHAEL AFFUL WILLIAMS]
5. EMMANUEL GYAN]
6. EMMANUEL KWANENA ADDO]
7. ZIBLIM YAKUBU]
8. OHENEBA PREMPEH]
9. PHILIP OWUSU COBBINA]
10. AKISIBIK DESMOND]
11. VON COFFIE]
12. SADIK YAKUBU]
13. RAZAKI SULEMAN]
14. GERALD DELIM]
15. COMRAD ABUBAKAR SADEEQ]
16. BILAL MOHAMMED]
17. EBENEZER ANKOMANYI OKYERE]
18. NORGBEDZI KELVIN]
19. PRISCILLA TOBILI]
20. MOHAMMED KING HASSAN]
21. TANKO NABONG,ALIAS BLACK PYRAMID]
22. CEDERIC BANSAH]
23. MICHAEL AMOFA]
24. EMMANUEL OFFEI]
25. NII AYI]
26. FRED BOATENG]
27. DEPORTEE IDDRISU YUSIF]
28. WENDELE]
29. FANNY OTOO]
30. SAMUEL SAMAKOR]
31. NANA AMO MENSAH PREMPEH]
32. THOMAS YEBOAH]

VRS.

1. THE INSPECTOR GENERAL OF POLICE] -RESPONDEDNTS
   GHANA POLICE SERVICE]
   HEADQUARTERS- ACCRA.]

2. THE ATTORNEY GENERAL
ATTORNEY GENERAL AND MINISTRY
OF JUSTICE
MINISTRIIES-ACCRA

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MOTION ON NOTICE FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN RIGHTS OF THE APPLICANTS UNDER ARTICLE 33 OF THE 1992 CONSTITUTION AND ORDER 67 OF C.I 47

TAKE NOTICE that **FRANCIS-XAVIER KOJO SOSU ESQ.**, Counsel for and on behalf of the Applicants herein shall pray this Honourable Court for an order enforcing the Fundamental Human Rights of the Applicants **to freedom of movement, right to protest and demonstrate, right to personal liberty, respect for human dignity, right to freedom of expression, right against unlawful and arbitrary arrest, detention and malicious prosecution, right to legal representation and right to bail pending trial (Articles 14(1) (2), 15, 21(1) and 33 of the 1992 Constitution)** of the Applicants upon the grounds deposed to in the Supporting Affidavit and for any order(s) as this Honourable Court may deem fit.

COURT TO BE MOVED on the... Mon 28th .day of ..Oct....., 2024 at 9:00 O'clock in the forenoon or so soon thereafter as Counsel for the Applicants may be heard.

DATED AT F-X LAW AND ASSOCIATES, H/NO. 34 KINGLET STREET, BABA YARA, MADINA, ACCRA THIS 2ND DAY OF OCTOBER, 2024

F-X LAW AND ASSOCIATES 0303968367

.....
FRANCIS XAVIER KOJO SOSU (ESQ)
Solicitor's License No. GAR 03454/24
B.P – 300045322
Lawyer for Applicants

THE REGISTRAR.
HIGH COURT,
(HUMAN RIGHTS DIVISION)
ACCRA.

AND TO:

1. THE INSPECTOR GENERAL OF POLICE
   GHANA POLICE SERVICE
   HEADQUARTERS- ACCRA.
2. THE ATTORNEY GENERAL
   ATTORNEY GENERAL AND MINISTRY
   OF JUSTICE
   MINISTRIIES-ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
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GHANA POLICE SERVICE]
HEADQUARTERS- ACCRA.]

2. THE ATTORNEY GENERAL
ATTORNEY GENERAL AND MINISTRY
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MINISTRIIES-ACCRA

] -RESPONDENT
]
]
]

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN RIGHTS OF THE APPLICANTS

I, **ELORM ABABIO** of 52 Swaniker Street, Abelenkpe, Accra, in the Greater Accra Region of the Republic of Ghana make oath and say as follows;

1. That I am a Ghanaian, a lawyer by profession and one of the Applicants herein and I have the authority and consent of the other Applicants to depose to this affidavit on their behalf on matters the facts of which are within my knowledge, information, instruction and belief by virtue of my being a party in the matter.

2. That the Applicants are patriotic law abiding citizens of Ghana of different ages and diverse backgrounds.

3. That the 1st Respondent is the Head of the Ghana Police Service. A state institution responsible for the maintenance of law and order in Ghana.

4. That the 2nd Respondent is the principal legal adviser to the government of Ghana and has the mandate to prosecute and also to defend all actions brought against the government of Ghana.

5. That a social activism group known as the Democracy hub organized a protest to raise awareness and get government action on issues affecting ordinary citizens of Ghana including corruption, unemployment, the high cost of living and environmental degradation with the theme of the demonstration being **"Stop Galamsey Now".** Attached as **Exhibit A series** are flyers of the protest.

6. That Applicants participated in the protest on the 21st, 22nd and the 23rd of September 2024 as a patriotic duty only for the peaceful protest to be marred by the unlawful actions of the Ghana Police Service.

7. That while peacefully protesting, the police disrupted the peaceful process by resorting to the use of excessive force and intimidation tactics against the demonstrators by blocking roads, diverting traffic and deploying heavy fully armoured and armed police presence to intimidate the protesters.

8. That the police further escalated tensions by granting access through barricaded areas near the Jubilee House to a group of nearly 100 individuals led by the Deputy National Organiser of the New Patriotic Party (NPP) to confront protesters as they claimed that protesters were destroying their party paraphernalia. Attached as **Exhibit B** are news items of this fact.

9. That act of the police was a breach of their core duty to maintain public order and the safety of persons as they exposed the peaceful protesters to danger/harm.

10. That in the face of disruption by the police, the interactions between the police and some protesters became violent leading to the organisers of the protest having cause to request for a meeting with the police hierarchy to resolve matters for the protest to successfully end but they were denied audience. Attached as **Exhibit C.**

11. That in the midst of the chaos initiated by the police by their unprofessional conduct and tactics, they resorted to the arbitrary arrests of all protesters instead of identifying individuals who were breaking the law.

12. That on their arrests, the police refused to disclose to organisers of the protest, the number of persons they had arrested or to provide details on their location and their lawyers had to make a demand on the IGP for this information. Attached as **Exhibit D.**

13. That the Police refused Applicants access to their lawyers and frequently moved them from one police station to the other to deny them access to legal representation.

14. That the Applicants were denied access to basic necessities like food, water, feminine

hygiene products, essential medication to protesters with delicate health conditions and personal hygiene products which act is inhumane and impugns the dignity of the Applicants.

15. That some Applicants were kept in police custody for more than 48 hours before being presented before a court in violation of Article 14(3)(b) of the 1992 constitution.

16. That the Applicants were presented to court on trumped up charges and denied bail.

17. That the defendants are under a duty per article 12 of the 1992 constitution to respect and uphold the rights enshrined in the constitution in respect of all persons in Ghana.

18. That the Respondents failed to protect the fundamental rights and freedoms of Applicants within the facts of this matter and actively violated these rights and freedoms with impunity.

19. That I verily believe that the disruption of the Police of a peaceful protest violated our freedom of assembly including freedom to take part in processions and demonstrations in Article 21(d) of the 1992 Constitution.

20. That I verily believe that the arbitrary arrest and detention of the Applicants has violated our rights to liberty and security of our person and freedom from unlawful and arbitrary arrest and detention enshrined in Article 14 of the 1992 constitution, Article 9 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Civil and Political Rights; Principles 2 and 11 of the Body of Principles for the protection of all persons under any form of detention or imprisonment and Article 6 of the African Charter on Human and Peoples' Rights.

21. That I verily believe that the blatant refusal of the Respondent to grant us access to our lawyers violated their right to legal representation enshrined in Article 14(2) of the 1992 constitution of Ghana.

22. That I verily believe that Respondents denial of Applicants access to basic necessities like food, water, female hygiene products, essential medication and personal hygiene products whiles in their custody violated their human dignity as enshrined in Article 15 of the 1992 constitution, Article 5 of the African Charter on Human and Peoples' Rights and Article 10 of the International Covenant on Civil and Political Rights.

23. That I verily believe that keeping some Applicants in police custody for more than 48 hours before presenting them before a court violated Article 14(3)(b) of the 1992 constitution of Ghana.

24. That I verily believe, that if this court does not intervene, the Respondents will be emboldened in violating the rights of the Applicants.

25. That I verily believe same to be true that the enormous breaches of the fundamental rights and freedoms under the 1992 Constitution and the International Human Rights Instruments referred to above entitles Applicants to the appropriate remedies from the Human Rights Court as indicated in our claims below.

WHEREFORE, I swear to this affidavit in support of the facts stated above and claim the following reliefs against the Respondents jointly and severally:

1. A Declaration that the conduct of the Ghana Police Service in disrupting the peaceful protest violated **Article 21(d) of the 1992 Constitution**, **Article 21 of the International Covenant on Civil and Political Rights, Article 11 of the African Charter on Human and Peoples' Rights and Article 20 of the Universal Declaration of Human Rights.**

2. A Declaration that the Respondents have violated Applicants rights to liberty and security of their person and freedom from unlawful and arbitrary arrest and detention enshrined in **Article 14 of the 1992 constitution, Article 9 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Civil and Political Rights; Principles 2 and 11 of the Body of Principles for the protection of all persons under any form of detention or imprisonment and Article 6 of the African Charter on Human and Peoples' Rights.**

3. A Declaration that Respondents have violated Applicants right to legal representation enshrined in **Article 14(2) of the 1992 constitution of Ghana.**

4. A Declaration that denying the Applicants basic necessities while in detention violated their right to human dignity as enshrined in **Article 15 of the 1992 constitution, Article 5 of the African Charter on Human and Peoples' Rights and Article 10 of the International Covenant on Civil and Political Rights.**

5. A declaration that the detention of some Applicants for more than 48 hours before bringing them before a court violated their rights under **Article 14(3)(b) of the 1992 constitution.**

6. A declaration that **the force used by Respondents on Applicants was excessive, unreasonable and unjustifiable.**

7. A Declaration that the conduct of Respondents is **in breach of the standards of fairness and reasonableness under Article 23, proper use of discretion under Article 296, and all implied rights inherent in a democracy intended to secure the freedom and dignity of man which include the right not to be subjected to arbitrary and malicious prosecution under Article 33(5) of the 1992 Constitution.**

8. **An order directed at the Respondents to pay to the Applicants compensation for unlawful and unwarranted breach of the Applicants' fundamental human rights.**

9. Cost and legal fees.

Sworn at Accra this 3rd)
Day of October, 2024)

.....
DEPONENT

BEFORE ME

JUSTINA CLOTTEY
COMMISSIONER FOR OATHS