



REPUBLIC OF GHANA

OFFICE
OF
THE ATTORNEY-GENERAL
AND MINISTRY OF JUSTICE

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Date. 1st March, 2024

PRESS RELEASE
RE: JUSTIFICATION OF OVER GHC10 TRILLION JUDGMENT
DEBT SAVINGS

1. The Attorney-General and Minister for Justice notes the reaction of a section of the public to an assertion by His Excellency the President in his message on the state of the nation delivered on Tuesday, 27th February, 2024, that, the Attorney-General (A-G) has saved the nation over ten trillion Ghana Cedis (GHC10 trillion) in judgment debts.
2. The Office of the Attorney-General and Ministry of Justice hereby affirms the above statement by the President and says further, that the amounts actually avoided in the payment of judgment debts from 2021 to date are **well over GHC10 trillion**. These savings were made through a process of diligently defending civil actions against the State, meticulously uncovering discrepancies and challenging inflated debts alleged to be owed by the State in litigation in Ghana and arbitration in various international fora.
3. The A-G on a regular basis defends the State in hundreds of civil actions across the country in which huge judgment debts are successfully defended and avoided. However, the A-G hereby proceeds to give details of just a few.

a. Suit No. E3/108/05 - China Jilin International Economic and Technical Cooperation Vrs. The Attorney-General

On 2nd June, 2014, the plaintiff obtained judgment against the State. In 2015, the State paid US\$223,266 and GHC56,827.15 towards the judgment debt. In 2022, the plaintiff resumed execution of the judgment debt which was stated as **US\$988, 294, 313.00** (almost **1 billion** USD) and **GHC352, 626, 144.41**. Over 400 million Ghana cedis in the accounts of the Ministry of Finance was blocked through an order of *garnishee nisi* (order for payment of money) granted by the High Court, Kumasi on 28th February, 2022.

The Supreme Court on 24th January, 2023, upheld an application by the Attorney-General questioning the capacity of the plaintiff to institute the action and set aside the order for *garnishee nisi*.

b. **SUIT No. J4/23/2014 - NDK Financial Services Ltd Vrs. Ahamaan Enterprises & The Attorney-General**

On 21st December, 2011, the High Court granted judgment against the State for payment of sums claimed by plaintiff together with interest at the rate of 6.5% per month calculated at the close of each day and payable at the end of every month from 7th January, 2009 up to date of final payment.

By 2020, the judgment debt had increased to **GHC1,273,000,000.00**, even after the State had already paid GHC79,000,000.

Pursuant to an application by the A-G for an order that the judgment debt was unconscionable and that the amount paid by the State should be considered to be full satisfaction of the judgment debt, the Supreme Court in July, 2021, held that the amount outstanding to be paid was only **GHC14,000**.

c. **Suit No. RPC/345/2007 - African Automobile Ltd Vrs. Ministry of Employment & Manpower Development & The Attorney-General**

On 31st July, 2009, the High Court granted judgment in favour of the plaintiff and awarded simple interest on the sum claimed. On 24th February, 2011, the Court of Appeal awarded interest at the rate of 10% compounded monthly on the sum claimed.

On 26th April, 2021, the High Court granted an order for garnishee nisi in the sum of **GHC10,331,841,859,411.20** in favour of the plaintiff.

A challenge of the order for garnishee nisi by the Attorney-General led to the plaintiff drastically revising its claim to **GHC3,615,826,184,388.24** which the High Court confirmed.

Dissatisfied, the A-G on 19th June, 2023, instituted a fresh action against the judgment creditor to set aside the entire judgment against the State - SUIT No. GJ/0956/23.

It is the contention of the A-G that the plaintiff's legitimate claim was in the sum of **GHC28,000** which has been paid.

d. **Cassius Mining Ltd Vrs. Government of the Republic of Ghana (International arbitration)**

The Claimant on 3rd February 2023, commenced international arbitration against the State for failing to extend the term of its Prospecting Licence Agreement dated 28th December, 2016 and claimed compensation in excess of **US\$275 Million**.

Following objections to the jurisdiction of the Permanent Court of Arbitration (PCA) raised by the Attorney-General, the PCA refused to constitute a tribunal for the hearing of the matter.

The Claimant subsequently instituted fresh arbitral proceedings by amending its claim to one under the Minerals and Mining Act, 2006 (Act 703) instead of the previous one under its Prospecting Licence Agreement. The A-G applied to the High Court and obtained an injunction on 31st July 2023, restraining the Claimant from pursuing any arbitration outside Ghana under the Prospecting Licence Agreement.

Notwithstanding this, the Claimant proceeded with the new international arbitration proceedings. The A-G raised a plethora of objections to the new arbitration proceedings.

On 27th February, 2024, the arbitral tribunal in a determination of the preliminary issues affirmed, among others, that the Claimant was not entitled to invoke the arbitration provisions contained in Act 703 (as contended by Ghana). The tribunal further held that the UNCITRAL Rules do not apply to the proceedings and that, the ADR Act of Ghana is what applies to the proceedings. The tribunal also held that the seat of the arbitration is Ghana, and not London, as claimed by the Claimant.

The determination of the preliminary issues by the tribunal constitutes a major victory for Ghana as it means that the High Court of Ghana has control over the arbitration proceedings and retains the jurisdiction to grant reliefs regarding the arbitration, as contended by Ghana.

e. **Beijing Everyway Traffic & Lighting Vrs. Government of Ghana (arbitration at the Permanent Court of Arbitration, The Hague)**

The Claimant dragged the nation to the Permanent Court of Arbitration for over \$60million for breach of contract.

Following an objection raised by the Attorney-General, the PCA dismissed the claim on 30th January, 2023.

f. **Suit No. C1/34/19 Heritage Imperial Ltd Vrs. Ministry**

of Lands and Natural Resources & The Attorney-General

The plaintiff obtained judgment for **US\$15,304,714.20** in July, 2020 for seizure and destruction of its mining equipment. In July, 2021, the High Court set aside the entire judgment for violating various statutory provisions pursuant to an application by the A-G.

g. **Suit No. RPC/344/2007 African Automobile Ltd Vrs. Accra Metropolitan Assembly & The Attorney-General**

The claimant obtained judgment in 2009 and proceeded to obtain a garnishee nisi order for the sum of **GHC592,092,705,048.00** in February, 2020. The Attorney-General commenced an action at the High Court to set aside the judgment for fraud. Pending the determination, the court has stayed execution of the judgment.

h. **David Akpasera & 42 Ors Vrs. The Attorney-General**

An action by former members of Parliament and Ministers of State for payment of retirement benefits of over GHC 100million was dismissed by the High Court in 2020. The Court of Appeal dismissed the appeal in May, 2022.

4. The Attorney-General will continue to zealously defend the interests of the State in civil litigation, protect public property and avoid scandalous judgment debts against the State.

END!!!

SGD
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