

OFFICE OF THE ATTORNEY GENERAL
AND MINISTRY OF JUSTICE
PROSECUTIONS DIVISION
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ACCRA

Filed on 31/05/2024
at 2:58 pm
Registrar
HIGH COURT
ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
FINANCIAL & ECONOMIC CRIME DIVISION
ACCRA - A.D. 2024

Case No: CR/0198/2022

THE REPUBLIC	RESPONDENT
VRS	
1.CASSIEL ATO FORSON	1ST ACCUSED/RESPONDENT
2.SYLVESTER ANEMANA	2ND ACCUSED (DISCHARGED)
3.RICHARD JAKPA	3RD ACCUSED/APPLICANT

**AFFIDAVIT IN OPPOSITION TO MOTION FOR AN ORDER STRIKING OUT
THE CHARGES AND TERMINATING PROCEEDINGS OR
ALTERNATIVELY STAYING THE PROCEEDINGS AGAINST THE THIRD
ACCUSED/APPLICANT**

I, R: _____, Principal State Attorney of the Office of the Attorney-General do make oath and say as follows:

1. That I am the deponent hereto and have the authority of the Attorney-General to depose to this affidavit, the facts of which have come to my knowledge in the course of my work.
2. That at the hearing of this application, the Respondent will seek leave of the court to refer to all processes filed in respect of this case.
3. That the Attorney-General has been served with an application for an order striking out the charges and terminating the proceedings or alternatively staying proceedings against the third accused/applicant, and is opposed to same as an abuse of process and unmeritorious.
4. That no proper grounds have been canvassed by the applicant to warrant a grant of this application, which is unknown to criminal procedure and practice in Ghana.

5. That the instant application is a ruse and a desperate smokescreen set up by the applicant to abort his legitimate prosecution for the role he played in causing colossal financial loss to the State in the purchase of ordinary vans purporting to be ambulances. The application, anchored on untruths and a skillful manipulation of facts, seeks to cloth the applicant with immunity from prosecution and to this extent, is incompetent and offensive to Ghanaian law.
6. That I respectfully say that all persons are equal before the law and the Attorney-General's constitutional responsibility to prosecute all crimes within the Republic cannot be enjoined in respect of some particular persons or any group of persons in Ghana.
7. That the instant application is an extension of the public theatrics the accused persons have resorted to in a bid to discredit the prosecution of this case and cast doubt about the integrity of the proceedings in this Honourable Court, all of which the Attorney-General has so far observed utmost professionalism about, in spite of the persistent insults and abuse to his integrity by persons associated with the accused persons.
8. That the prosecution of the accused persons in this case is based on cogent evidence unearthed after painstaking investigations conducted. Credible witnesses called by the prosecution have already been cross-examined by counsel for the applicant and the other accused persons, after which this Honourable Court held that a prima facie case has been duly made against all the accused persons.
9. That in fairness to the accused persons, the Attorney-General duly filed all the evidence he intended to rely on at the trial and furnished all parties to this action with copies of all documents including even the ones he did not rely on. In fact, most of the documents tendered by the accused persons at the trial came from the prosecution.

10. That the Respondent denies each and every allegation of material fact contained in the applicant's affidavit in support.
11. That the depositions in the affidavit in support of the instant application are laden with spurious allegations which are carefully and mischievously calculated at creating unnecessary anxiety about the capacity of the court to dispense justice in this case.
12. That even though the applicant levels many untrue and wild allegations against the Attorney-General in his affidavit in support, none of them attacks the integrity of the court or questions any decision or action by the trial court which impedes the capacity of the court to administer justice in this case.
13. That in specific answer to paragraph 12 of the applicant's affidavit in support, the Respondent states that it is not true that counsel for the Applicant was not aware of the mischievous strategy that had been planned by the Applicant before the proceedings of the court on 23rd May, 2024. Indeed, when the learned trial judge retired into chambers and invited all counsel into chambers, counsel for the Applicant, holding brief for Thaddeus Sory informed the trial judge that he was aware that the Applicant had recorded a conversation between the Applicant, the Attorney-General and a Justice of the Supreme Court (whose name counsel for Applicant mentioned to the learned trial judge as Yonny Kulendi JSC) at the house of the said Justice of the Supreme Court.
14. That the attempt by counsel for the Applicant to mislead the court into thinking that they were not aware of the mischief of the 3rd accused before the proceedings of 23rd May, 2024, only highlights the manipulation of facts and untruths the entire application is laced with.
15. That in specific response to paragraphs 13, 14, 15 and 16 of the affidavit in support, the Respondent says that the Applicant again deliberately puts a spin on the facts surrounding the so called

meeting with the Attorney-General. The Applicant knows, as has already been indicated by his counsel to the trial judge in chambers, that, it was his cousin, Yonny Kulendi JSC, who invited the Attorney-General to the distinguished Justice of the Supreme Court's residence, an invitation the Attorney-General honoured out of respect, only for the Applicant to show up.


16. That the Respondent says that the Attorney-General has never met the Applicant anywhere outside the courtroom, except in Kulendi JSC's residence.
17. That the Respondent denies the rest of the allegations of facts contained in the rest of the affidavit in support, particularly, the allegations of assurances to stop his prosecution or to assist the applicant in any way. Same are obvious untruths and a product of the fertile imagination of the Applicant.
18. That the Respondent says that it is curious that even though the Applicant alleged in court on 23rd May, 2024, that he had evidence of the meetings he allegedly had with the Attorney-General, he has conspicuously failed to attach same to his affidavit. Respondent says that applicant knows that his so called evidence will not support any of the untruthful allegations he makes in his affidavit. Hence the failure to attach same.
19. That the Respondent denies particularly, the deposition in paragraph 16 of the affidavit in support and says that, same is calculated at courting disaffection for the Attorney-General in his own political party especially from the President and the former Minister for Finance. The Attorney-General states that the allegation is yet another diabolic untruth being peddled by the Applicant and borne out of plain mischief.
20. That in specific answer to paragraph 18 of the affidavit in support, the Respondent says that the Attorney-General has never replied to or read any of the messages that the Applicant sent to him in which he purportedly sent to the Attorney-General his company

documents. In fact, the Attorney-General only realised that those messages had been sent only recently when he checked the WhatsApp conversation with the Applicant following the wild allegations by the Applicant in court on 23rd May, 2024.

21. That the entire application is motivated by mischief of the deepest dye, grounded on outrageous falsehood and has no basis in law.
22. That clearly, the accused persons are bent on using any means necessary, fair, or foul, to abort their legitimate prosecution for crimes committed against the Republic and must not be aided in that illegitimate endeavour through a grant of the instant application.
23. That the Respondent states that alleged promises by the prosecution, suspicions about the prosecution or motives for prosecution are not evidence upon which the court makes decision and therefore the instant application is utterly frivolous.
24. That the Respondent states that the evidence led so far by the Applicant both in his copious and voluminous witness statement and oral evidence in chief, does not show any manipulation by the Attorney-General on basis of which it can be said that the Applicant provided suborned testimony.
25. That on the contrary, the Attorney-General has proven to be an honest, strong, and effective prosecutor who has refused to yield to the untold pressure the Applicant himself has brought on him to subvert the ends of justice by withdrawing the charges against him.

WHEREFORE, I swear to this affidavit in opposition to the application as frivolous, vexatious and a complete waste of this Court's time.

SWORN IN ACCRA)
THIS 31st DAY)
OF MAY 2024)


.....
DEPONENT

BEFORE ME



Handwritten signature in blue ink, consisting of a large, stylized initial 'A' followed by a series of vertical, wavy lines, and a circled number '1' to the right.

COMMISSIONER FOR OATHS

REGISTRAR
HIGH COURT
CRIMINAL COURT
LAW COURT COMPLEX

THE REGISTRAR
HIGH COURT
ECONOMIC & FINANCIAL CRIME DIVISION
ACCRA

AND TO THE FOLLOWING:

1. 1ST ACCUSED/APPLICANT OR HIS LAWYER, DR. ABDUL BAASIT
AZIZ BAMBA, AZIZBAMBA & ASSOCIATES, EAST LEGON, ACCRA
2. 3RD ACCUSED OR HIS LAWYER
THADEUS SORY, SORY @ LAW, EAST LEGON, ACCRA