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**DEMOCRACY HUB SUES GOVERNMENT OVER UNCONSTITUTIONAL
MOU WITH THE UNITED STATES ON DEPORTATION OF
THIRD-COUNTRY NATIONALS**

Accra, 14th October 2025

Democracy Hub has filed a writ in the Supreme Court of Ghana challenging the legality of a secret Memorandum of Understanding (MOU) entered into between the Government of Ghana and the United States of America for the reception, detention, and onward rendition of involuntarily repatriated West African nationals into Ghana.

The action, which is brought under international law and Articles 2(1)(b) and 130(1) of the 1992 Constitution, seeks a series of twenty-eight (28) reliefs to affirm that the purported MOU violates Ghana's Constitution and peremptory norms of international law known as *jus cogens*.

The Supreme Court has fixed Wednesday, 22nd October 2025 for the hearing of an interlocutory injunction to suspend the implementation of the Agreement.

Background

In September 2025, the Minister for Foreign Affairs publicly announced that Ghana had reached an understanding with the United States to receive and temporarily detain West African nationals deported from U.S. Immigration and Customs Enforcement (ICE) facilities, as part of broader negotiations to ease U.S.-imposed sanctions and visa restrictions against Ghana.

Pursuant to that arrangement, at least forty two (42) individuals have since been involuntarily repatriated into Ghana, in three batches on 6 September; 19 September 13th October 2025. These individuals were received and detained by Ghana Armed Forces under armed military custody at Bundase Military Training Camp, where several of them were held in deplorable conditions for weeks without charge, without access to lawyers, and under inhumane conditions.

Key Constitutional and Legal Issues

Democracy Hub contends that:

1. The MOU is unconstitutional because it was concluded and implemented without parliamentary ratification as required under Article 75(2) of the 1992 Constitution.
2. The arrangement violates Ghana's obligations under international law, including the 1951 Refugee Convention, Convention Against Torture, and the OAU Refugee Convention, which prohibit the return or transfer of any person to a country where they risk persecution or torture (the principle of non-refoulement).
3. The use of military detention for civilians and asylum-seekers at Bundase constitutes a gross violation of Articles 14, 15, and 19 of the Constitution, which protect liberty, human dignity, and the right to a fair trial.
4. The MOU's implementation effectively renders Ghana complicit in "chain refoulement", a process where refugees are indirectly returned to danger through a third country, contrary to jus cogens norms - peremptory principles of international law from which no derogation is permitted.

Democracy Hub's Position

Democracy Hub maintains that no government has the authority to secretly contract Ghana out of its constitutional and human rights obligations. The Constitution requires transparency, parliamentary oversight, and respect for human dignity in all matters of international cooperation. This action is brought to protect not only the individuals affected but also Ghana's democratic integrity, its constitutional supremacy, and its reputation as a rule-of-law state that respects international law and human rights.

Media Inquiries

For media inquiries and access to copies of the lawsuit, please contact our lawyers:

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