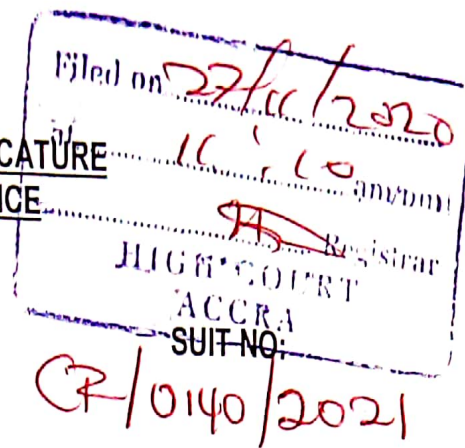


IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA - AD. 2020



THE REPUBLIC

VRS

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE - RESPONDENT
OLD PARLIAMENT HOUSE
JOHN EVANS ATTA MILLS HIGH STREET
ACCRA

EX PARTE: MR. ADJENIM BOATENG ADJEI

- APPLICANT

APPLICATION FOR JUDICIAL REVIEW UNDER ORDER 55 OF C.I. 47 FOR THE FINDINGS
OF COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE TO BE BROUGHT
BEFORE THIS COURT TO BE SET ASIDE BY AN ORDER OF CETIORARI

MOTION ON NOTICE by Counsel for and on behalf of the Applicant herein praying this Honorable Court for an Order of Certiorari to set aside the decision of the Respondent dated 27th day of October, 2020 in Case No. 241/2019 upon the grounds contained in the affidavit annexed hereto.

And for any further order(s) as to this Honorable Court may deem fit.

✓ *REGISTRAR WILL FIX A DATE*
COURT TO BE MOVED on the day of 2020 at 9:00 o' clock or so soon thereafter as Counsel for the Applicant may be heard

DATED AT THE LAW OFFICES OF K-ARCHY & COMPANY, (ePP00132/20) ATTAEFAH HOUSE, NEAR CLUB 10, KANDA-ACCRA THIS 23RD DAY NOVEMBER, 2020.

K-ARCHY & CO. LTD.
LEGAL CONSULTANT / NOTARY PUBLIC
PMB 14, KANDA

.....
Solicitor
LAWYER FOR THE APPLICANT
KWAME ACHEAMPONG BOATENG
PRACT. LIC. NO: eGAR 00679/20

THE REGISTRAR
HIGH COURT
ACCRA

AND FOR SERVICE ON THE RESPONDENT HEREIN

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA – AD. 2020**

Filed on 27th October
at 11:10 am/pm
Registrar
**HIGH COURT
ACCRA**

SUIT NO:

THE REPUBLIC

VRS

**COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE - RESPONDENT
OLD PARLIAMENT HOUSE
JOHN EVANS ATTA MILLS HIGH STREET
ACCRA**

EX PARTE: MR. ADJENIM BOATENG ADJEI

- APPLICANT

AFFIDAVIT IN SUPPORT OF MOTION

I, Adjenim Boateng Adjei of H/No. 561/2 Angelis Vista, Airport Hills, Accra make oath and say as follows:

1. I am the Deponent herein.
2. That my address for service is: 561/2 Angelis Vista, Airport Hills, Accra
3. That I was the CEO of the Public Procurement Authority, a state agency from March 2017 till 22nd August 2019 when I was suspended from my office and was subsequently removed from my office on 30th October, 2020.
4. That my tenure ended when my appointment was terminated by the President of the Republic in a letter dated 30th, October, 2020.
5. That this application concerns the decision of the Respondent dated 27th day of October, 2020 in Case No. 241/2019 a copy of which is attached herein as **Exhibit A**.
6. That Respondent is a constitutional body set up under the Commission on Human Rights and Administrative Act, 1993, (Act 456) and its address for service is: Old Parliament House, John Evans Atta Mills High Street, Accra.
7. That facts to which I have deposed herein are within my personal knowledge and belief unless otherwise stated.

8. That I have been advised by my lawyer, which I believe same to be true, that I have sufficient grounds to bring this application.
9. That I was invited by the Respondent in a letter dated 27th August, 2019 to confirm or deny allegations of contravention or non-compliance with Article 284 of the 1992 Constitution as contained on page 4 of Exhibit A.
10. That I replied the Respondent in a letter dated 5th September, 2019 in which I denied all allegations. Please find attached my response to the Respondent as **Exhibit B**.
11. That the Respondent dismissed my preliminary response dated 5th September and continued investigations against me. Please find the Respondent's dismissal of my preliminary objection seeking to find out the identity of the complainant in the matter on page 23 of **Exhibit A**.
12. That I was invited to the Respondent's office in person and I attended with my lawyers, Mr. Yaw Oppong and Mr. Francis Baah, on the 12th and 16th June, 2020.
13. That I requested to waive the opportunity to watch the video of Manasseh Azurre since I was already privy to that and this was rejected and the Respondent insisted that the video be played and it was played in full in the presence of my lawyers.
14. That I was asked a number of questions to which I responded and continued to deny the allegation. These proceedings are found at pages 39-44 of the decision.
15. That 16th June, 2020 was the last and only time that I met the panel till I received the findings of the Respondent dated 27th day of October, 2020 endorsed by the Commissioner, Mr. Joseph A. Whittal
16. That pages 39 to 78 of the decision which is headed, 8.0 SUMMARY OF EVIDENCE, the Respondent invited and took statements and evidence from other 17 persons based on which they arrived at their findings.
17. That I was never given the opportunity to access and respond to the evidence and statements of these witness and I was not given the chance to cross-examine any of these witnesses who gave evidence against me. In fact, until the publication of **Exhibit A**, I did not know they even participated in the proceedings.
18. That pages 78 to 130, which is headed 8.2 CONSIDERATION OF DOCUMENTS, show that the Respondent relied on several documents from several persons and entities to arrive at its decision all of which were done on my blind side without the opportunity to examine such documents and respond to same.

19. That I was never given the opportunity to access and respond to any of these documents and I was never given the chance to review or contest or cross-examine any of these documents.
20. That pages 130-133 of the decision headed 8.3 SITE VISITS show that the Respondent made several site trips to several locations to gather evidence which it relied on to arrive at their decision.
21. That I was never invited to be present at any of these site trips, nor was I allowed to respond or cross examine the evidence gathered at these site trips.
22. That by denying me the opportunity to access, respond and cross examine statements, witnesses and evidence that the Respondents relied on to arrive at their decision, the Respondent acted in breach of natural justice and failed to give me a fair hearing.
23. That if I were given the chance to access, respond and cross examine the various documents, witnesses and evidence relied on by the Respondent in their report, I would have been able to raise more issues and arguments in my favor to deny the allegations against me.
24. That I say that until the report contained in **Exhibit A** was published, I was not aware that any witnesses had been called, evidence adduced against me and therefore had no chance to challenge any such witnesses.
25. That by failing to give me the opportunity to access, contest or respond and cross-examine the statements of witnesses, documents, and evidence, the Respondent admitted in wholesale all the unsupported allegations, facts and evidence it received from any source it invited and it amounts to being ambushed and same occasions grave injustice to me.
26. That apart from the above procedural blunder, I have also noticed that the Respondent has relied on submissions made by another lawyer, other than my lawyer in the matter before the Respondent and in a different matter filed by a different complainant as part of the report and made conclusions therefrom.
27. That the Respondent relied heavily on submissions made on behalf of Talent Discovery Limited in response to a separate complaint by the Ghana Integrity Initiative as part of proceedings in the complaint purportedly filed by H.E. Nana Addo Dankwa Akufo-Addo when in fact the said response did not relate to the complaint herein.

28. That I say that the said submissions extensively quoted in the decision of the Respondent cannot form part of the record of the investigations since the said lawyer and his submissions captured in pages 52 to 59 of **Exhibit A** were not made in response to the complaint to which

I was concerned but in relation to a different complaint. Please find attached **Exhibit C** being response of Talent Discovery Limited filed in response to complaint filed by the Ghana Integrity Initiative and yet incorporated into the record of the complaint to which **Exhibit A** relates.

29. That I am advised and believe same to be true that the Respondent's failure to inform me of my right to cross examine witnesses in the investigation, the identity of witnesses that have given statements to the Respondent or make available to me documents procured from such witnesses constitute a fundamental breach of natural justice, particularly my right to a fair hearing and same further constitute a breach of the Respondent's own enabling law on procedure for conducting investigations.

30. That on the face of **Exhibit A**, the complainant in the matter is said to be Office of the President and the said complainant is not a natural person nor corporate body and further more I have not been invited to respond to any complaint by a complainant known as Office of the President.

31. That I say that I objected to the entire proceedings on the basis of lack of a complainant and the Respondent overruled my objection and ruled that the complainant is H.E. Nana Addo Dankwa Akufo-Addo, President of the Republic of Ghana. Please refer to page 22 of **Exhibit A**.

32. That having ruled that H.E. Nana Addo Dankwa Akufo-Addo is the complainant, a report issued by the Respondent ought to state the name of complainant and not be replaced by a non-existent and non-juristic entity since I have not been invited to respond to any complaint by the Office of the President and I would have advised myself appropriately if I was informed that a non-juristic entity had filed a complaint against me.

33. That I say that consequently, the complainant in this matter remains at large and this also constitutes a fundamental breach of the statutes governing investigations by the Respondent and also breaches my fundamental right to fair hearing since I am entitled to know the real identity of the complainant.

34. That from the foregoing, I have been denied a fair hearing in the entire proceedings and I have been advised by my lawyer, which I believe same to be true, that the decision arrived at by the Respondent is in breach of my right to a fair hearing and my right to natural justice.

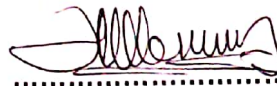
35. That I have been advised by my lawyer, which I believe same to be true, that this Honourable Court has jurisdiction to set aside the findings of the Respondent for breach of natural justice.

36. WHEREFORE I pray this Honourable Court for;

- i. An order of certiorari to quash and to remove from the registry/records of the Commission on Human Rights and Administrative Justice for purposes of being quashed the proceedings referred to as Case No. 241/2019 particularly the decision and recommendations of the said Commission dated 27th October, 2020 in so far as it relates to the investigation into allegations of contravention or non-compliance with article 284 of the 1992 Constitution by Mr. Adjenim Boateng Adjei for breach of natural justice
- ii. The rescission of the dismissal of the Applicant by the President of the Republic based on the said proceedings, report and recommendations referred to as Case No. 241/2019.

SWORN IN ACCRA THIS

26th DAY OF Nov. 2020



DEPONENT

