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at... 12:10... am/pm  
78A Registrar  
SUPREME COURT OF GHANA

**IN THE SUPERIOR COURT OF JUDICATURE IN THE  
SUPREME COURT OF GHANA**

**AD 2023**

JUL 16 / 2023

WRIT TO INVOKE ORIGINAL JURISDICTION PURSUANT TO ARTICLE 2. (1)  
AND 130. (1) (a) OF THE 1992 CONSTITUTION, AND RULE 45. (1) AND (2)  
OF THE SUPREME COURT RULES, 1996, C.I. 16

SUIT NO:.....

KENNETH KWABENA AGYEI KURANCHIE )

.....PLAINTIFF

H/NO. 5,  
RUBY STREET,  
ACHIMOTA, ACCRA  
GPS ADDRESS: GA-302-0449

VERSUS

1. THE ATTORNEY GENERAL )

.....DEFENDANTS

ATTORNEY GENERAL'S DEPARTMENT  
ACCRA

2. FORMER PRESIDENT JOHN AGYEKUM KUFUOR

HOUSE NUMBER UNKNOWN  
AIRPORT RESIDENTIAL AREA  
ACCRA

3. FORMER PRESIDENT JOHN DRAMANI MAHAMA

OFFICE OF FORMER JOHN DRAMANI MAHAMA  
NO. 5 KAKRAMADU ROAD  
CANTONMENTS ACCRA

4. THE SPEAKER OF PARLIAMENT

PARLIAMENT HOUSE

ACCRA

TO:

1. THE ATTORNEY GENERAL  
ATTORNEY GENERAL'S DEPARTMENT  
ACCRA
2. FORMER PRESIDENT JOHN AGYEKUM KUFUOR  
HOUSE NUMBER UNKNOWN  
AIRPORT RESIDENTIAL AREA  
ACCRA
3. FORMER PRESIDENT JOHN DRAMANI MAHAMA  
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NO. 5 KAKRAMADU ROAD  
CANTONMENTS ACCRA
4. THE SPEAKER OF PARLIAMENT  
PARLIAMENT HOUSE  
ACCRA

IN THE NAME OF THE REPUBLIC OF GHANA you are hereby commanded within fourteen (14) days after the service on you of the statement of Plaintiff's case inclusive the day of service, that you are to file or cause to be filed for you a statement of the Defendant's case in an action at the suit of:

**KENNETH KWABENA AGYEI KURANCHIE, H/NO. 5, RUBY STREET, ACHIMOTA,  
ACCRA**

**THE NATURE OF THE RELIEFS SOUGHT ARE AS FOLLOWS:**

1. A declaration that on a true and proper interpretation of Article 66. (1) of the 1992 Constitution, the number of years of a presidential term in Ghana is four years.
2. A declaration that on a true and proper interpretation of Article 66. (1) and (2) of the 1992 Constitution, a person seeking a second presidential term must be a sitting president.

3. A declaration that on a true and proper interpretation 68. (2) of the 1992 Constitution, a former President of Ghana is a Ward of Parliament.
4. A declaration that on a true and proper interpretation 68. (2) of the 1992 Constitution, a former President of Ghana requires parliamentary approval before he can occupy any other office other than an Office of State.
5. A declaration that on a true and proper interpretation 68. (2) of the 1992 Constitution, a former President of Ghana requires parliamentary approval before he can occupy any other office that provides emolument.
6. A declaration that on a true and proper interpretation 68. (3) of the 1992 Constitution, the Office of President is an office that provides emolument.
7. A declaration that on a true and proper interpretation of Article 68. (4), (5), (6), (7), (8) and (9), a former President of Ghana remains in the employ of the State.
8. A declaration that on a true and proper construction of Article 62 of the 1992 Constitution, a former President of Ghana is not qualified/eligible to seek election as President of Ghana.
9. An order directed at the 4<sup>th</sup> Defendant to invoke and operationalize Article 68. (2) of the 1992 Constitution.
10. An order directed at 2<sup>nd</sup> and 3<sup>rd</sup> Defendant to compel them to make available to Parliament all engagements not to do with matters of the State of Ghana.
11. An order directed at 3<sup>rd</sup> Defendant to fully disclose to parliament the terms of his engagement as a Flag Bearer of a Political Party.
12. An Order directed at 3<sup>rd</sup> Defendant to seek parliamentary approval for his engagement as a Flag Bearer of a Political Party; or in the alternative an order directed at 3<sup>rd</sup> Defendant to desist from his presidential ambitions.
13. Any other order or orders that the Honourable Court may deem fit to grant.

**The capacity in which the plaintiff is bringing the action is as follows:**

**A CITIZEN OF GHANA**

**The address for service of the plaintiff is bringing the action is as follows:**

**H/NO. 5, RUBY STREET, ACHIMOTA, ACCRA**

**The address for service of Counsel for the plaintiff is as follows:**

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.....  
.....  
.....

**The names and addresses of persons affected by this writ are as follows:**

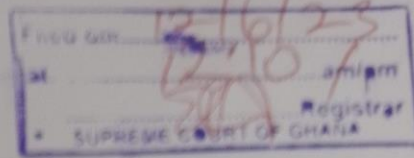
1. The Attorney General  
Attorney General and Ministry of Justice  
Ministries  
Accra
2. Former President John Agyekum Kufuor  
House Number Unknown  
Airport Residential Area  
Accra
3. Former President John Dramani Mahama  
Office of former John Dramani Mahama  
No. 5 Kakramadu Road  
Cantonments Accra
4. The Speaker of Parliament  
Parliament House  
Accra

DATED this...<sup>12</sup>.....day of June, 2023, Accra

*K. A. K. S. S. S.*  
.....

PLAINTIFF

THE REGISTRAR  
SUPREME COURT  
ACCRA



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**AD 2023**

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CANTONMENTS ACCRA

4. THE SPEAKER OF PARLIAMENT  
PARLIAMENT HOUSE  
ACCRA

AFFIDAVIT IN SUPPORT

I, KENNETH KWABENA AGYEI KURANCHIE of H/No.5, Ruby Street, Achimota,  
Accra do make oath and say as follows;

1. That I am the Deponent herein.
2. That I am the Plaintiff in this matter and unless otherwise stated the matters deposed to in this affidavit are matters within my personal knowledge or have come to my knowledge by way of research and study.
3. That at the hearing of the instant matter, Plaintiff, per Counsel, shall seek leave of the Honourable Court to refer to the Writ of Summons and other processes so far filed in this matter.
4. That the 1<sup>st</sup> Defendant is the lawful representative of the government of Ghana and is constitutionally required to be served as a Defendant in constitutional matters.
5. That 2<sup>nd</sup> and 3<sup>rd</sup> Defendants are former Presidents of the Republic of Ghana and are persons likely to be affected by the outcome of the present cause or matter.
6. That the 4<sup>th</sup> Defendant is the elected head of the legislative arm of government and would be required to effect certain outcomes of the present cause or matter if same is granted.
7. That Plaintiff has commenced the instant action against the Defendants herein for the reliefs endorsed on the Plaintiff's writ of summons.
8. That on or about the 22<sup>nd</sup> day of February, 2023, it came to Deponent's notice, through several publications in the media and specifically the **Ghana News Agency (GNA)**, that a former President of Ghana, namely **His Excellency Mr. John Dramani Mahama** and 3<sup>rd</sup> Defendant herein, had **announced an intention to contest to become the President of Ghana.**
9. That in pursuit of this mission, 3<sup>rd</sup> Defendant has also been receiving funds from members of the public.
10. That a careful and diligent study of the 1992 Constitution leads Deponent in no doubt at all that these pursuits by 3<sup>rd</sup> Defendant leads to issues of serious constitutional interpretation.
11. That Deponent therefore wrote a letter to the Parliament of Ghana through the Speaker in a letter dated Tuesday, April 11, 2023 asking the Parliament of Ghana to invoke Article 68. (2) of the 1992

Constitution, which Deponent believe gives parliament oversight authority over the conduct of former Presidents.

12. That even though Deponent wrote this letter more than two months ago, Parliament has evinced absolutely no interest in demonstrating its constitutional mandate.
13. Deponent says that since then, 3<sup>rd</sup> Defendant has been elected to become the official flag bearer and a presidential aspirant, which aspiration Deponent believes should receive formal parliamentary approval at the least, and also raises constitutional questions.
14. Deponent says that even if the position of flag bearer is a position that cannot be classified as an 'official' of a political party, its ultimate purpose is to have 3<sup>rd</sup> Defendant elected as a President of Ghana, which office attracts emoluments.
15. That Deponent sincerely believes, after a diligent reading of the 1992 Constitution, that a former President who seeks to further occupy an office that attracts emoluments, is required to seek parliamentary approval.
16. Deponent says that under Article 1. (2) and 2. (1) of the 1992 Constitution, the Supreme Court of Ghana is clothed with the requisite authority and mandate to establish the constitutionality of the conduct of Parliament in invoking its authority over the former Presidents of Ghana, and again, the Supreme Court is empowered to delve into the constitutionality of the actions of 3<sup>rd</sup> Defendant, and others affected.
17. Deponent believes that unless the constitutional questions raised in the foregoing Writ of Summons are addressed and settled, they have the potential to mar the progress and development of Ghana's constitutional journey, and respectfully pleads with the Honourable Court to effect the necessary constructions and interpretations.
18. With regard to 2<sup>nd</sup> Defendant, Deponent says that even though he has remained in relative seclusion since leaving office in January 2009, it has become necessary that his actual legal position as falling under the authority of parliament, need to be constitutionally established in order

to prevent future attempts on the presidency by former Presidents of Ghana, as being evinced by the 3<sup>rd</sup> Defendant.

Wherefore I swear to this affidavit in support praying that same be granted as prayed.

Sworn at Accra this 12<sup>th</sup>  
Day of June 2023 )

[Signature]  
DEPONENT

BEFORE ME

[Signature]  
COMMISSIONER FOR OATHS

**AGNES GYAMFUA**  
COMMISSIONER FOR OATHS  
TEL: 0249175059