

Filed on 07/07/2023  
at 11:04  
Reg. at  
HIGH COURT  
ACCRA

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION (3)  
ACCRA - 2023

SUIT NO. CR/0264/2022

IN THE MATTER OF CRIMINAL CASE NO. CR/0264/2022 INTITULED:

THE REPUBLIC \*\*\*\*\* PROSECUTION

VRS

JAMES GYAKYE QUAYSON \*\*\*\*\* ACCUSED

=AND=

IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT OF COURT BY:

JAMES GYAKYE QUAYSON \*\*\*\*\* APPLICANT

AGAINST

KOBINA TAHIR HAMMOND \*\*\*\*\* RESPONDENT

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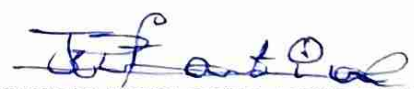
MOTION ON NOTICE FOR COMMITTAL FOR CONTEMPT OF COURT  
(Article 125 (2) of 1992 Constitution and Order 50, rules 1 and 2 of C. I. 47 of 2004)

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**TAKE NOTICE** that this Honourable Court will be moved on the 19<sup>th</sup> day of July, 2022 at 9 O'clock in the forenoon or soon thereafter by Counsel for the Applicant herein praying this Court to commit the Respondent herein to prison for contempt of court.

**AND FOR FURTHER** orders as this Honourable Court may deem fit on the grounds contained in the accompanying supporting affidavit.

DATED AT KAPONDE & ASSOCIATES, SUITES 606/607, GHANA SUPPLY CO. BUILDING, REPUBLIC HOUSE, OPPOSITE COCOBOD, CMB – ACCRA THIS 6<sup>TH</sup> JULY, 2023.



**LAWYER FOR THE APPLICANT**  
JUSTIN PWAVRA TERIWAJAH, ESQ.  
SOLICITOR'S LICENCE NO. eGAR 00004/23  
CHAMBER'S REGISTRATION NO. ePP00775/22

JUSTIN PWAVRA TERIWAJAH  
LL.B (GHANA), LL.M (PEKING)  
SOLICITOR AND BARRISTER  
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+223 277 181818/ +233 208 101010  
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THE REGISTRAR  
HIGH COURT  
CRIMINAL DIVISION (3)  
ACCRA

AND TO THE RESPONDENT HEREIN.

Filed on 07/07/2023  
11:04  
Registrar  
HIGH COURT  
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AFFIDAVIT IN SUPPORT


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I, **JUSTIN PWAVRA TERIWAJAH** of Flat No. E3, Accra Technical University, Accra Central in the Greater Accra Region, Accra do make oath and say as follows:

1. That I am the solicitor for the Accused/Applicant herein and I have his authority to swear to this affidavit in support of the application herein.
2. That the Accused is being tried in this Honourable Court on a number of criminal charges after having pleaded not guilty to the charges.
3. That as a lawyer, I am aware that by virtue of article 19(2)(c) of the 1992 Constitution, a person charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty.
4. That by virtue of Article 19(1) of the Constitution a person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court.
5. That it is through the court process that a person is to be proved guilty and the appropriate punishment meted out to a guilty person.
6. That the Respondent herein is a Minister of State for Trade and Industry and a Member of Parliament.

7. That in an interview on 4<sup>th</sup> July 2023 on a TV station, Oyerepa TV, the Respondent categorically pronounced the accused person guilty of the charges for which he is standing trial in this court and the Respondent went ahead and stated that the Accused/Applicant will go to prison.
8. That a report of the said interview may be found on the website <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Gyakyee-Quayson-will-go-to-prison-KT-Hammond-1798163>.
9. That a copy of the said report is attached herewith and marked "Exhibit A".
10. That by the words of the Respondent which have been widely publicized nationally and internationally, the Respondent is violating the right of the Accused/Applicant to be presumed innocent as well as the right of the accused to a fair trial.
11. That the said words of the Respondent are also in contempt of this Honourable Court as they are extremely prejudicial to the lawful process of this Honourable Court.
12. That such prejudice undermines the lawful judicial process and may even bring the said judicial process into disrepute as it will create in the minds of members of the public that no other conclusion other than that pronounced by the Respondent can occur.
13. That the Respondent is brazenly usurping the function of Her Ladyship, the trial judge, in this court.
14. That by virtue of Article 126(2) of the Constitution, this court has the power to commit the Respondent and people of his ilk for contempt of itself in order to keep the streams of justice pure.
15. That the Respondent has no respect for the judicial process and the interview granted by the Respondent, in its totality, is in egregious contempt of this Honourable court.
16. **WHEREFORE** I swear to this affidavit in support of the application herein for the Respondent to be brought before this Honourable Court and tried for contempt of court and sentenced to prison if found guilty.

  
**DEPONENT**

Sworn at Accra this   
day of July, 2023

BEFORE ME

  
COMMISSIONER FOR OATHS  
103, ARTS CENTRE

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
CRIMINAL DIVISION (3)  
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CERTIFICATE OF EXHIBIT

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I **JUSTINA CLOTTEY**

Commissioner for Oaths of Accra do hereby certify that the underlisted document has been exhibited to the affidavit of **Justin Pwavra Teriwajah** which has been sworn before me:

1. "Exhibit A" which is a copy of a news report on an interview granted by the Respondent on 4<sup>th</sup> July, 2023 on a TV station known as Oyerepa TV.

DATED AT ACCRA THIS <sup>7<sup>th</sup></sup> DAY OF JULY, 2023.

BEFORE ME

  
COMMISSIONER FOR OATHS

THE REGISTRAR  
HIGH COURT  
CRIMINAL DIVISION (3)  
ACCRA

# Gyakye Quayson will go to prison – KT Hammond

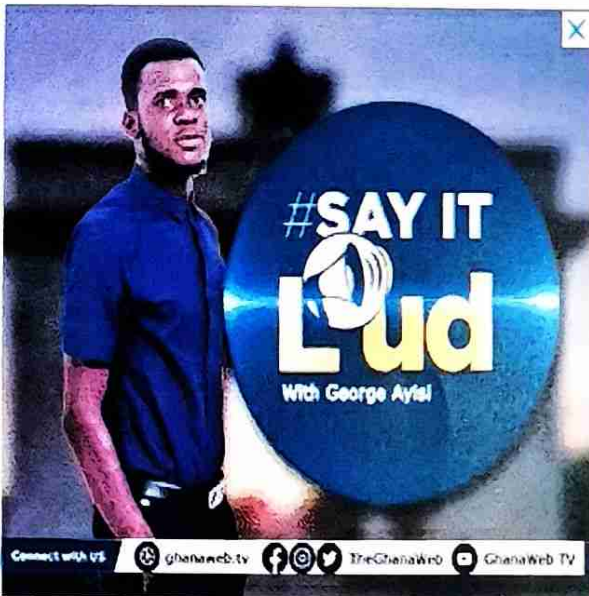
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The Minister for Trade and Industry, Kobina Tahir (KT) Hammond, has said that the fate of the Member of Parliament for Assin Central, James Gyakye Quayson, has been determined.

According to him, Gyakye Quayson would be going to prison just like the former MP for Bawku Central, Adamu Dramani Sakande, who was imprisoned for lying about his Burkinabe and British citizenships.

Speaking in an interview with the Morning Show host on Oyerepa TV, Kwesi Parker-Wilson, at parliament on Monday, July 4, 2023, KT Hammond added that the case of Adamu Sakande is virtually the same as that of Gyakye Quayson and that is why he is set for prison.



"There is something we call precedence at the court... this is the same thing that happened with Adamu Sakande. He (Sakande) came to this house, the same NDC (National Democratic Congress) members were the ones who sacked him from parliament and took him to court. He was imprisoned and he eventually died and was buried. It is the same matter.

"They are making all kinds of noise about his swearing-in. I prompted the former deputy Attorney General, Dominic Ayine, to tell the gentleman (Quayson) that we have seen this before in this house. He should leave this house before he would be jailed.

"There is precedence, this is the same as the Adamu Sakande case Adamu was jailed for having multiple citizenships and Quayson had

the same issue. Now he (Quayson) has renounced his other citizenship and he is only Ghanaian... but laws he broke previously is what we are talking about," he said in Twi.

KT Hammond, the MP for Adansi Asokwa, also criticised the Dormaahene, Osagyefo Oseadeeyo Agyemang Badu II, for criticizing the ruling of the Supreme Court that led to the removal of Quayson as an MP and for calling on the state to drop the criminal case against the Assin North MP.

This is the instrument made  
 as exhibit... referred  
 to the affidavit...  
 sworn before me this...  
 day of...  
 Commissioner for Oaths

*Tenwajah*

## Gyakye Quayson will go to prison – KT Hammond

Gyakye Quayson will go to prison – KT Hammond



Gyakye Quayson will go to prison – KT Hammond

### About Adamu Dramani Sakande case:

In July 2012, a New Patriotic Party (NPP) Member of [Parliament](#) for Bawku Central, Adamu Dramani Sakande, was convicted by an Accra High Court after he was found guilty of perjury and forgery.

This was after he failed to denounce UK Citizenship before contesting for the Bawku seat.

He was found guilty of perjury and forgery and was jailed for two years concurrently on all counts.

A Bawku-based cattle dealer, Sumaila Bielbiel, challenged the status of the Member of [Parliament](#) (MP) for Bawku Central, Adamu Dramani Sakande in the law-making body due to his dual citizenship.

The former MP was accused of registering as a voter when the voters' register was opened and subsequently voting in the December 2008 general elections, when he was not entitled to do so.

### About the Gyakye Quayson case:

The Supreme Court of Ghana, on May 17, 2023, ordered the [Parliament](#) of Ghana to expunge the name of [James Gyakye Quayson](#) as a Member of [Parliament](#) (MP)

Justice Jones Victor Dotse, Justice Nene Amegatcher, Justice Mariama Owusu, Gertrude Araba Torkornoo, Justice Prof. Henrietta Mensa-Bonsu, Justice Yonny Kulendi and Justice Barbara Ackah-Yensu declared that Quayson was not qualified at the time he contested the election 2020 in the Michael Ankomah Nimfah vrs [James Gyakye Quayson](#) case.

According to the court, the ousted Assin North MP failed to prove that he had renounced his Canadian citizenship when he filed his nomination to contest the 2020 general elections.

[Parliament](#) subsequently declared the Assin North seat vacant, leading to the Electoral Commission of Ghana announcing a by-election on May 27, 2023, to fill the seat.

But there is still one case the former MP has to face in court after the Office of the Attorney General accused him of deceiving public officers to acquire state documents.

On February 12, 2022, the State charged [James Gyakye Quayson](#) with five counts: deceit of a public officer, forgery of a passport, knowingly making a false statutory declaration, perjury, and false declaration.