

Filed on.....15/11/23.....
at.10:40.....am/pm
•Registrar
• SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE,
IN THE SUPREME COURT OF GHANA,
ACCRA- AD 2023.

WRIT INVOKING THE ORIGINAL JURISDICTION OF THE SUPREME
COURT.

RULE 45(1) OF C.I. 16.

J1/3/2024
Writ No:

BETWEEN

MAHAMA AYARIGA,
OFFICE OF PARLIAMENT,
ROOM 16, 8TH FLOOR,
EAST WING OF JOB 600,
PARLIAMENT HOUSE, ACCRA.

...

PLAINTIFF.

AND

1. THE ATTORNEY-GENERAL AND
MINISTER FOR JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL &
MINISTRY OF JUSTICE,
MINISTRIES, ACCRA.

2. THE MINISTER OF FINANCE AND
ECONOMIC PLANNING
MINISTRY OF FINANCE &
ECONOMIC PLANNING
MINISTRIES, ACCRA

...

DEFENDANTS.

TO:

1. THE ATTORNEY-GENERAL & MINISTER FOR JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL & MINISTRY OF JUSTICE,
MINISTRIES, ACCRA.
2. THE MINISTER OF FINANCE AND ECONOMIC PLANNING
MINISTRY OF FINANCE & ECONOMIC PLANNING
MINISTRIES, ACCRA

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

The nature of the reliefs sought by the Plaintiff from this court are as follows:

1. Declaration that the establishment of the Ghana Financial Stability Fund (GFSF) through administrative fiat issued by the Ministry of Finance and Economic Planning is illegal and unconstitutional, as it violates the provisions of articles 175, 176, 178, and 179 of the 1992 Constitution of Ghana.
2. Declaration that the Ministry of Finance's use of opaque and unscrutinised mechanisms for the administration and disbursal of funds of the Ghana Financial Stability Fund (GFSF), without the necessary authorization by an express Act of Parliament in accordance with articles 175, 176, 178, and 179 of the Constitution, is in clear disregard of the 1992 Constitution of Ghana.
3. Declaration that any support or involvement by the International Monetary Fund (IMF) and the World Bank in the establishment or operation of the Ghana Financial Stability Fund (GFSF), without adherence to the constitutional requirements stipulated in articles 175, 176, 178 and 179 of the Constitution would be a violation of the Constitution of Ghana 1992.
4. Declaration that the mechanisms provided for in the Operational Framework of the Ghana Financial Stability Fund (GFSF) for the withdrawal and recovery

of funds is an attempt to evade legal and constitutional scrutiny in clear violation of articles 93(2) and 108, and thus, should not be recognized as valid.

5. An order directing the Ministry of Finance to establish the Ghana Financial Stability Fund (GFSF) through an express Act of Parliament, outlining clear legal stipulations regarding its administration, mechanisms for disbursing funds, and procedures for fund recovery, in accordance with articles 93(2), 108, 175, 176, 178, and 179 of the Constitution of Ghana.
6. An order injuncting the Ministry of Finance from implementing or utilizing the current "Operational Framework of the Ghana Financial Stability Fund (GFSF) for the administration, disbursement, withdrawal, or recovery of funds, as it is illegal and unconstitutional.
7. An order directing the Ministry of Finance to adhere to the constitutional requirements for establishing public funds, as specified in the Constitution of Ghana 1992, in any future establishment or operation of the Ghana Financial Stability Fund (GFSF).
8. And or any further order(s) as to this Honourable Court may deem fit.

The capacity in which the Plaintiff is bringing the action is as follows:

The Plaintiff is a Ghanaian citizen and the Honourable Member of Parliament for Bawku Central.

Plaintiff brings the present action under Article 2(1) and 130(1) of the 1992 constitution of the Republic of Ghana.

The address for service of the Plaintiff is as follows:

OFFICE OF PARLIAMENT,
ROOM 16, 8TH FLOOR,
EAST WING OF JOB 600
PARLIAMENT HOUSE, ACCRA.

The address for service of Counsel for the Plaintiff is as follows:

AYARIGA & ASSOCIATES PRUC.
2ND FLOOR, ASANTEWAA PLAZA

OKPONGLO TRAFFIC LIGHT, ACCRA

The names and addresses of the persons affected by this writ are:

1. THE ATTORNEY-GENERAL & MINISTER FOR JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL & MINISTRY OF JUSTICE,
MINISTRIES, ACCRA.
 2. THE MINISTER OF FINANCE AND ECONOMIC PLANNING
MINISTRY OF FINANCE & ECONOMIC PLANNING
MINISTRIES, ACCRA
- ... DEFENDANTS

DATED AT ACCRA THIS 14TH DAY OF NOVEMBER, 2023.



PLAINTIFF

THE REGISTRAR
SUPREME COURT,
ACCRA.

AND FOR SERVICE ON THE ABOVE:

1. THE ATTORNEY-GENERAL & MINISTER FOR JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL & MINISTRY OF JUSTICE,
MINISTRIES, ACCRA.
2. THE MINISTER OF FINANCE AND ECONOMIC PLANNING
MINISTRY OF FINANCE & ECONOMIC PLANNING
MINISTRIES, ACCRA.