

5th August, 2026.

**HIS LORDSHIP THE CHIEF JUSTICE,
JUDICIAL SERVICE,
ACCRA.**

Dear Sir,

RE: CRIMINAL CASE NO. CR/ CR/0530/2026

THE REPUBLIC

Vrs.

- 1. HANAN ABDUL-WAHAB**
- 2. HAJIA FAIZA SEIDU WUNI**

Respectfully, we act for the 1st accused in the above-mentioned criminal matter.

At the end of proceedings at the last adjourned date on 30th July, 2026, the presiding judge, Francis Apangabuno Achibonga JA (sitting as additional High Court Judge), indicated the receipt of a warrant authorising him to sit in the legal vacation to hear the matter, the trial of which had hitherto, not commenced. Consequently, he adjourned proceedings to 11th and 12th August, 2026 for the trial to start. The judge further stated that he was just a "servant" mandated by you to sit in the vacation for the conduct of the trial and therefore, a party who had an issue with it should take it up with you, His Lordship the Chief Justice.

We are constrained to say that the mandate for Justice Achibonga to commence the instant criminal trial in the vacation is contrary to long-standing regulations, practice and norms regarding the sittings of the Superior Courts. The sittings of the High Court for the conduct of business are in the regular term of the legal year and exclude the legal vacation.

A Justice of the High Court may be permitted to sit and hear only motions in the legal vacation. In accordance with this practice, vacation courts are held throughout the country for motions only. Even in civil cases, except with the consent of both parties to a cause, a trial is not held during the vacation. The warrant for Justice Achibonga to commence the hearing of the instant criminal matter, without the consent of the parties in the matter, is thus most irregular and contrary to law.

There is no urgency to this matter as the accused persons were arraigned before the court only on 5th May 2026, after earlier charges were withdrawn by the Republic through no fault of the accused.

Respectfully, we, of *Messrs. Dame & Partners*, having worked throughout the legal year and cooperated for the conduct of the instant criminal matter, are not in the position to attend court in the vacation for the conduct of the trial. The lead counsel, the undersigned, will take advantage of the legal vacation to attend to many matters of immense importance (as all lawyers around the country do in the legal vacation). The other senior lawyer working on the brief, Richard Gyambiby, a lecturer in Criminal Procedure at the Ghana School of Law, is attending to an equally important national assignment of marking examination papers for students of the Ghana School of Law. Following the end of this national assignment, he will be away on other equally important engagements. There is thus no lawyer available to conduct the matter in the legal vacation. The right of an accused person to counsel of his choice is undoubtedly constitutional.

Our client himself, together his wife who were denied the opportunity to take their child who is suffering from a severe medical condition - Attention-Deficit/Hyperactivity Disorder (ADHD) - out of the jurisdiction for medical treatment, and who had been attending trial throughout the legal year from October, 2025 to July, 2026, would like to use the legal year to seek medical care for their child. Their constitutional rights and responsibilities as parents to seek medical care for their child have not been curtailed simply on account of having been arraigned before court on a criminal charge.

Respectfully, the directive for Justice Achibonga to sit in the legal vacation is unprecedented and may hint at discriminatory treatment. The handpicking of a few criminal cases from among the many hundreds of criminal cases around the Greater-Accra Region for hearing in the vacation may unnecessarily expose Your Lordship to

accusations of unfair and discriminatory treatment. An accused person standing trial before the courts is entitled to know that his trial will be subjected to the same procedures as any other criminal trial and not taken through a special set of procedures crafted for him in a specialised court. There is no criminal trial which is being commenced, or is being continued in the High Court in the legal vacation.

The directive for the trial of our client to take place in the legal vacation is unusual and unprecedented. Even the treason trial concluded about 2 years ago was never conducted during the legal vacation. **Article 17** of the Constitution provides that all persons shall be equal before the law. A person shall not be discriminated against on any ground. **Article 17(3)** of the Constitution defines "discriminate" to mean to give different treatment to different persons attributable to factors including "political opinions". We humbly submit that the fact that our clients, who are politically exposed, are accused of crimes (which they vehemently deny) allegedly committed as a result of their previous political exposure, is no justification for a different set of laws, rules and regulations to be applied for the conduct of their trial.

Article 125(1) of the Constitution provides that justice emanates from the people and shall be administered in the name of the Republic by the Judiciary which shall be independent and subject only to the Constitution. The fact that the Executive through the Attorney-General is inclined to rush members of the opposing political divide through a semblance of a criminal trial with the ultimate object of causing their conviction and incarceration, through fair or foul means, should, with the greatest respect, be of no concern to the Judiciary. The Judiciary, in the exercise of judicial power, is required to do so freely and fairly and without regard to the interests of any person or authority in Ghana.

Recent happenings in the conduct of the instant criminal matter have given cause for concern to our client about the disposition of the trial court to do real justice in the matter. There has been a ruling denying our client access to documents in the possession of the Republic which are the basis for the allegations against our client, contrary to the decision in **Republic Vrs. Eugene Baffoe-Bonnie** [2019-20] SCGLR 327. There has also been a denial of our client's right to know the particulars of the charges he is faced with at the High Court, contrary to the decision of the Supreme Court in **Republic Vrs. Ernest Thompson (Suit No. J3/05/2020)** decided on 17 March 2021, reported as [2021] GHASC 18.

It is imperative to say that we have since the decision referred to in the preceding paragraph, filed an appeal and applied for a stay of proceedings which is pending in the Court of Appeal and has been fixed for 19th October, 2026. **Please find attached to this letter and marked "A" a copy of the said application for stay of proceedings pending** at the Court of Appeal.

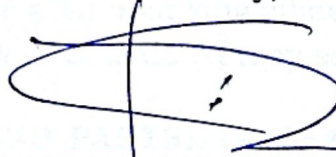
These denials of our client's rights in the courts should, with the greatest respect, be of concern to Your Lordship as the head of the Judiciary vested with constitutional responsibility for the administration and supervision of the Judiciary.

Further, these rulings have hampered our client's confidence in getting justice done in his matter. The directive by you for the trial of the instant criminal matter in the vacation, contrary to settled practice and rules regarding sittings of the Superior Courts, will further weaken his confidence in getting justice from the courts.

We respectfully entreat you to reconsider the directive for Justice Achibonga to sit in the vacation and conduct hearing of the instant criminal matter on the strength of all the reasons assigned above.

We thank you in anticipation of your cooperation.

Yours faithfully,



GODFRED YEBOAH DAME
COUNSEL FOR HANAN ABDUL-WAHAB

- CC: 1. The Judicial Secretary,
Judicial Secretary, Accra.
2. The Registrar,
High Court, Specialised Division,
Accra.
3. The President,
Ghana Bar Association, Accra.
4. Mr. Hanan Abdul-Wahab,
Accra.

"A"

Filed on: 31-7-2026
at: 12:45 am/pm
Registrar

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE COURT OF APPEAL
ACCRA - A.D. 2026**

SUIT NO: /

HANAN ABDUL-WAHAB ALUDIBA 1st Accused/Appellant/
Applicant

VRS

13/113/2026

THE REPUBLIC

Respondent/Respondent

NOTICE OF MOTION

**APPLICATION FOR AN ORDER STAYING PROCEEDINGS OF
THE HIGH COURT, SPECIALISED COURT 1, PENDING APPEAL**

TAKE NOTICE that this honourable Court will be moved on **Mon**
the **19th** day of **OCT** 2026 at 9 O'clock in the forenoon or so
soon thereafter as Counsel for and on behalf of the 1st
Accused/Appellant/Applicant herein may be heard on an
application praying this honourable Court for an order staying the
proceedings of the High Court, Specialised Court 1, upon the
grounds set out in the accompanying affidavit and for any further
order(s) as to this honourable Court may seem meet.

**DATED AT DAME AND PARTNERS, 55A KAKRAMADU LINK,
CANTONMENTS, ACCRA THIS 23RD DAY OF JULY, 2026.**

RICHARD GYAMBIBY

Solicitor's: **eGAR04441/26**

DAME & PARTNERS

Chamber Licence: **6PP00296/26**

LAWYER FOR APP./APPLICANT



**THE REGISTRAR
COURT OF APPEAL
ACCRA**

AND COPIES FOR SERVICE ON THE FOLLOWING:

- 1. THE ATTORNEY-GENERAL
OFFICE OF THE ATTORNEY-GENERAL
LAW HOUSE, ACCRA**
- 2. THE SECOND ACCUSED OR HER COUNSEL
AUGUSTINES OBUOR
OBUOR MINTA & CO
H/NO. 127/1629, BRYAN STREET
ACCRA**

Filed on 31-7-2028
at 12:45 am/pm

IN THE SUPERIOR COURT OF JUDICATURE
IN THE COURT OF APPEAL
ACCRA - A.D. 2026

SUIT NO:

HANAN ABDUL-WAHAB ALUDIBA 1st Accused/ Appellant/
Applicant

VRS

THE REPUBLIC Respondent/Respondent

AFFIDAVIT IN SUPPORT

I, Abdul-Wahab Hanan of Plot No. 251, Chain Homes, Accra, do
make oath and say as follows:

1. That I am the deponent hereto and the First
accused/Appellant/Applicant (hereinafter called the Appellant)
herein and depose to this affidavit in respect of matters within
my knowledge, information and belief.
2. That at the hearing of this application, counsel shall seek leave
to rely on all processes so far filed in this suit as if same had
been sworn to on oath and set out in this affidavit.
3. That on 15th May 2026, the Respondent arraigned me together
with the 2nd accused person before the High Court, Specialised
Court 1. **Attached and marked as Exhibit HCA1 is a copy of
the charge sheet.**
4. That I was charged with sixteen offences specified as follows:
 - a. Counts 1 and 14 – defrauding by false pretences contrary
to section 131(1) of Act 29;
 - b. Counts 2, 5, 8, and 16 – wilfully causing financial loss to
the Republic contrary to section 179A(3)(a) of Act 29;
 - c. Counts 3, 6, 13 and 18 – stealing contrary to section 124(1)
of Act 29;

- d. Counts 4, 7, 15 and 20 – using public office for profit contrary to section 179C(a) of Act 29;
 - e. Count 17 – intentional dissipation of public funds contrary to section 1(1) of SMCD 140;
 - f. Count 19 – money-laundering contrary to section 1(2)(c) of Act 1044.
5. That I pleaded not guilty to all charges against me because I know I have not committed any crime, irrespective of the contents or fatal defects of the charges.
6. That on 14th July 2026, I was compelled to file an application to strike out the charges against me for vagueness, ambiguity and duplicity which renders a fair trial impossible and violates my fundamental human rights as an accused person under the Constitution and therefore ought to be struck out. **Attached and marked as Exhibit HCA 2 is a copy of the application I filed.**
7. That the respondent opposed the application and thus filed an affidavit in opposition on 16th July 2026. **Attached and marked as Exhibit HCA 3 is a copy of the Respondent's affidavit-in-opposition.**
8. That on 23 July 2026, the trial court dismissed my application, ruling that all charges filed against me, with the exception of Count 14 on defrauding by false pretence and Count 9 filed against the 2nd accused on defrauding by false pretence, disclosed sufficient particulars to enable us to understand the allegations against us and satisfied the requirements for a fair trial under Article 19(2) and sections 109 and 112 of the Criminal Procedure (and Other Offences) Act, 1960 (Act 30), and ordered the Respondent to amend the counts 9 and 14 of the charge sheet.
9. That dissatisfied and aggrieved by this ruling, I caused my lawyers to file an appeal against the decision as the defects in the charge sheet are fundamental to a protection of my rights to

a fair trial under Article 19(2) of the Constitution and Act 30.
Attached as Exhibit HCA4 is a copy of the Notice of Appeal.

10. That due to the grave constitutional issues touching on my right to a fair trial, which form the cornerstone of my appeal, I considered it imperative to direct my lawyers to file an application before the trial court seeking a stay of proceedings pending the hearing of the appeal. However, the trial court dismissed the application on 30th July 2026 despite its merits.
Attached as Exhibit HCA5 is an application for the ruling of the High Court, Specialised Court 1.

11. That I am advised by counsel and verily believe same to be true that the appeal raises substantial questions of law concerning the validity of the charge sheet, namely: whether the charges sufficiently disclose the nature of the offences in detail as required by Article 19(2)(d) of the 1992 Constitution; whether stealing and defrauding by false pretence may be charged in respect of the same act; whether multiple distinct acts (details of which the prosecution has not disclosed) spanning a period of eight years can be validly consolidated into a single count; whether a charge specifying an uncertain and indefinite sum of money is valid; and whether particulars that merely repeat the statutory technical name of the offence (stealing), are sufficient in law, and can validly commence a trial.

12. That I am further advised by counsel and verily believe same to be true that the appeal challenges the very foundation of the trial, on the validity of the charge sheet itself as the charges, as currently framed, are incurably defective and go to the root of the court's jurisdiction to proceed.

13. That the appeal seeks an order from the Court of Appeal setting aside the decision of the trial Court dated 23rd July 2026 and ordering a striking out of the charge sheet.

14. That the subject matter of the appeal is jurisdictional as the defects raised in the appeal, when upheld, would render the entire trial a nullity.

15. That it is in the interest of justice that proceedings be stayed to prevent a miscarriage of justice against me and to ensure that I am afforded the constitutional right to be provided all means to prepare for my defence, and the charge sheet discloses in detail the nature of the offences I am charged with.
16. That I am advised that the purpose of the appeal will be defeated, and irreparable damage will be occasioned me if proceedings continue in the trial Court during the pendency of our appeal.
17. That I am advised by Counsel that if the proceedings continue, the Court of Appeal's power to efficiently adjudicate on the merits of my appeal will be subverted.
18. That the appeal has a real likelihood of success, as the grounds of appeal raise serious and fundamental issues regarding the constitutional validity of the charges against me.
19. That I will suffer irreparable hardship and prejudice if the trial is allowed to proceed on the basis of a defective charge sheet which violates my constitutional right to a fair trial under Act 30. To permit such a trial to proceed would amount to a substantial miscarriage of justice, more so if my appeal is subsequently successful.
20. That the time and resources expended would be wasted, and I would have been subjected to an unfair process in violation of my rights under the Constitution and Act 30.
21. That the grant of a stay will not prejudice the trial as the temporary stay of proceedings to allow this Court to determine the appeal will serve the interests of justice and ensure that the trial is conducted on a proper legal foundation.
22. That justice and equity require that proceedings in the instant criminal action be stayed pending the determination by the Court of Appeal of the question whether the charges filed

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE COURT OF APPEAL
ACCRA – A.D. 2026**

SUIT NO:

HANAN ABDUL-WAHAB ALUDIBA

**1st Accused/Appellant/
Applicant**

VRS

THE REPUBLIC

Respondent/Respondent

CERTIFICATE OF EXHIBITS

I, **ERIC BOTWEY** hereby certify that the under-listed document(s) have been exhibited to the affidavit sworn before me:

1. **“Exhibit HCA1”** - copy of the charge sheet.
2. **“Exhibit HCA 2”**- copy of the application.
3. **“Exhibit HCA 3”** - copy of the Respondent’s affidavit-in-opposition.
4. **“Exhibit HCA4”** – copy of the Notice of Appeal.
5. **“Exhibit HCA5”** - copy of application for ruling of the High Court, Specialised Court 1.

And referred to by the Applicant in their affidavit in support.

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Commissioner For Oaths

