

Instrument marked
referred to the Affidavit
sworn before me
on the 11th day of Dec 2011
Administrative For Order

EXHIBIT "MAA 4"
IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
AUTOMATED/FAST TRACK DIVISION

Filed on 20-3-2015
at 11:00 am/pm
Registrar
SUPREME COURT OF GHANA

ACCRA - AD 2011

SUIT NO. AC 96/2012

AUSTRO-INVEST MANAGEMENT LIMITED
Untermüli 6
6302 Zug
Switzerland

PLAINTIFF

VERSUS

ALFRED AGBESI WOYOME
Trassacco Estates
Adjiringano
Accra
(PLAINTIFF WILL DIRECT SERVICE)

8/12/11
2011
DEFENDANT
CHIEF REGISTRAR
HIGH COURT ACCRA

MOTION ON NOTICE FOR PRESERVATION AND/OR INTERLOCUTORY INJUNCTION

TAKE NOTICE that Tony Lithur, Counsel for and on behalf of the Plaintiff Applicant herein shall seek leave of the Honourable Court for an interlocutory order in the nature of mandatory injunction compelling the Defendant/Respondent to pay into court

- (a) an amount of GHC 5,068,960.08 being the principal sum indorsed by Plaintiff on its Writ of Summons; and/or in the alternative
- (b) any and all monies that may be paid to him by the Government of Ghana or any of its Ministries or agents to the Defendant/Respondent in connection with, arising from or relating to Suit No RPC 152/2010, titled Alfred Agbesi Woyome v Attorney General, or in connection with or arising from the claim by the Defendant/Respondent for compensation from the Government of Ghana; PENDING the hearing and final determination of

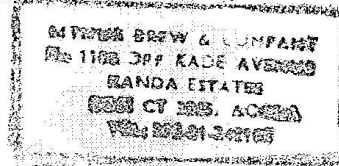
the present suit; or in the alternative an order directing the Government of Ghana and/or any of its Ministries or agencies to pay directly into court within the terms stated above, any such monies; UPON the grounds contained in the accompanying affidavit; AND for such further order or orders as the Honourable Court may deem fit.

COURT TO BE MOVED on *Wed* the *28th* day of December, 2011 at 9 o'clock in the forenoon or so soon thereafter as Counsel for Plaintiff/Applicant may be heard.

DATED AT LITHUR BREW & COMPANY THIS 5TH DAY OF DECEMBER, 2011

[Signature]
SOLICITOR FOR PLAINTIFF/APPLICANT

THE REGISTRAR
HIGH COURT
COMMERCIAL DIVISION
ACCRA



AND TO

1. THE DEFENDANT/RESPONDENT
2. THE HONOURABLE ATTORNEY GENERAL AND MINISTER OF JUSTICE,
MINISTRY OF JUSTICE, ACCRA
3. THE HONOURABLE MINISTER OF FINANCE AND ECONOMIC PLANNING
MINISTRY OF FINANCE AND ECONOMIC PLANNING, ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
AUTOMATED/FAST TRACK DIVISION
ACCRA - AD 2011

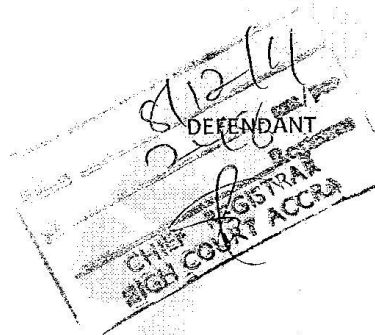
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PLAINTIFF

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AFFIDAVIT IN SUPPORT

I, RAY SMITH, of House Number 16 Wawa Street, Dzorwulu, Accra, make oath and say as follows:

1. That I am a director of Plaintiff/Applicant herein and deponent hereto. I have the consent and authority of Plaintiff/Applicant to depose to this Affidavit the facts of which are within my personal knowledge, information or belief.
2. On November 17, 2011, Plaintiff/Applicant caused to be issued against Defendant/Respondent from the Registry of the Court, a Writ of Summons with an accompanying Statement of Claim. The Writ of Summons is yet to be served on Defendant/Respondent. In arguing the present application,

Counsel for Plaintiff/Applicant shall seek leave to refer to the said Writ of Summons and the accompanying Statement of Claim, as if the averments contained therein were repeated herein *in extenso* and sworn to on oath.

3. In or about February 2010, the parties herein agreed to initiate a claim against the Government of Ghana for compensation for breach of contract in relation to the award of certain contracts for the construction of stadia for CAN 2008, an intra-African football competition, scheduled to be held in Accra in 2008. The agreement reached by the parties is contained in Exhibit "A" attached to this Affidavit. The Government of Ghana was duly notified of the understanding reached by the parties, and this constituted the mandate based on which Defendant/Respondent successfully pursued the claim for compensation against the Government of Ghana. Throughout the pursuit of the claim for compensation, Defendant/Respondent updated the Plaintiff/Applicant on status at various stages and furnished Plaintiff/Applicant with relevant documentation.
5. The Government of Ghana eventually agreed to pay to Defendant/Respondent a total sum of GHC 51,283,480.59 comprising a principal amount of GHC 41,811,480.59, interest in the sum of GHC 9,447,000.00 and GHC 25,000.00 as costs. The negotiated sum is captured in a letter written by Defendant/Respondent's Solicitors to the Minister of Finance and Economic Planning, dated January 26, 2011 (Exhibit "B").
6. The contents of Exhibit "B" were confirmed by a response thereto from the Ministry of Finance and Economic Planning in a letter dated January 31, 2011 (Exhibit "C").
7. The Government of Ghana has fully paid to Defendant/Respondent the total principal sum of GHC 41,811,480.59, and yet, despite repeated demands, Defendant/Respondent has to date refused to pay to the


Plaintiff/Applicant its portion of the compensation which stands at GHC 5,068,960.00.

8. After repeated demands and exchange of correspondence, Defendant/Applicant, per his Solicitor wrote a letter conceding the basis of his mandate to pursue the claim against the Government, and confirming the agreement between him and Plaintiff/Applicant (Exhibit "D"). Plaintiff/Applicant has since disputed the basis of the calculations contained in the said letter, and has communicated that to Defendant/Respondent, who has still refused to make any payments to Plaintiff/Applicant.
9. After receiving full payment of the principal sum, Defendant/Respondent disingenuously informed the Plaintiff/Applicant that he did not intend to pursue the claim against the Government of Ghana for interest.
10. It has however come to the Plaintiff/Applicant's attention that, contrary to representations made to it by Defendant/Respondent, and without notifying Plaintiff/Applicant, Defendant/Respondent is now actively pursuing against the Government of Ghana the interest payments on the principal amount, and with a view to denying Plaintiff/Applicant its share of the interest payments.
10. Plaintiff/Applicant shall contend as follows:
 - (a) That the continued refusal of Defendant/Respondent to pay to Plaintiff/Applicant its share of the compensation is an act of bad faith done in breach of Exhibit "A";
 - (b) With Defendant/Applicant's present conduct it is clear he does not intend to pay Plaintiff/Applicant any proceeds at all from the compensation, and indeed intended at all material times to retain the proceeds for his own use.

11. The compensation due to Plaintiff/Applicant has been outstanding for years, and the continued refusal by Defendant/Respondent to pay to Plaintiff/Applicant its portion of the compensation continues to cause hardship to Plaintiff/Applicant.

12. It has also come to Plaintiff/Applicant's attention that, since receiving the principal amount from the Government of Ghana, Defendant/Respondent has embarked on a spending spree, purchasing a house in a posh residential area in Accra and in the United States and has completed his office building at East Legon in record time. There is a real danger that Plaintiff/Applicant's portion of the monies may have been dissipated.

13. In the circumstances, I swear to this affidavit, praying the Honourable Court to grant the present application within the terms of the motion paper in order to preserve whatever monies may be coming into Defendant/Respondent's custody pending the hearing and final determination of the present suit.

14. Sworn in Accra this *8th* *7/12/11* 
day of December, 2011] DEPONENT

BEFORE ME

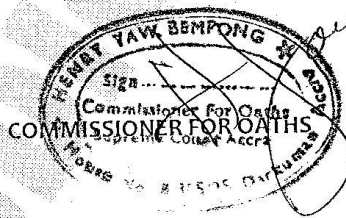


EXHIBIT "MAAS"

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EXPLOSIVE...Woyome's Letter Demanding A-G's Resignation (FULL STATEMENT)

Comments (12)

DEMAND FOR YOUR RESIGNATION/STEPPING ASIDE AS AN ATTORNEY GENERAL OF THE REPUBLIC OF GHANA IN THE CASE OF THE REPUBLIC VRS ALFRED AGBESI WOYOME (SUIT NO. FTRM 115/12)



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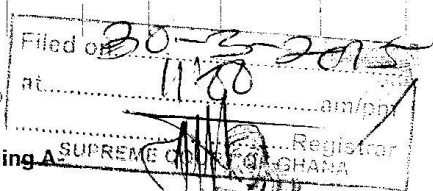
I was served by a bailiff of the High Court, Mr Dzokoto, accompanied by three other staff from the Attorney General's Department with a notice of appeal in the criminal case entitled the Republic vrs Alfred Agbesi Woyome which was decided yesterday in my favour.

I was acquitted and discharged.

In as much as I am not against the decision of the State to appeal, I am particularly against your conduct and public utterances during the trail and after the judgment.

I find it difficult to reconcile your decision to involve yourself directly in this criminal case and notice of appeal you have authorized to be issued and served on me. It is a fact that you and your clients received approximately one million dollars equivalent in Ghana Cedis from the said judgement debt you now so much criminalized and want me jailed for. The Cedi equivalent was GHC 1,474,393.00 through an Agricultural Development Bank cheque number 727324 dated 06/10/11 in the joint names of Ray and Ingeborg Smith.

Evidence of receipt of the payments was provided by your firm as an attachment to documents filed by your firm in another



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case between us in the High Court. I have attached a copy to this letter.

This case has ran approximately three and half years and you have had all the opportunity to prove any case against my person; more so as you know that the default judgment was negotiated between myself and the Attorney General together with officials of the Presidency with the knowledge of then Chief of Staff who was copied with every correspondence.

The negotiated judgment debt was filed at the Registry of the High Court as a consent judgment.

The Government of Ghana showed bad faith thereafter and filed a motion to set aside what have been filed at the Registry.

Thereafter, there was a ruling two times in my favor and the Government represented by the Attorney General was ordered to pay GHC 17,094,493.53.

Your department having fulfilled the payment of the GHC 17,094,493.5317 million and went ahead and paid the rest of the amount in trenches after a pre-trial conference.

Your firm, Lithur Brew & Co. knowing about the above occurrence demanded to be paid an amount of over a million dollars on behalf of your client. I duly paid your firm: evidence of which is attached.

Your firm, Lithur Brew & Co. actually represented the other Directors of M-Powapak and Austro Invest.

Your firm Lithur Brew & Co. further filed a suit for and on behalf of Austro Invest, a suit you later discontinued. You subsequently became Attorney General of the Republic of Ghana.

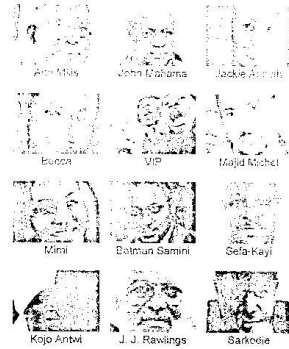
My confusion is as a result of your insistence that the fruit from the judgment of a competent court of jurisdiction, in fact, a judgment debt is criminal.

You are a beneficiary of that fruit which you are seeking so hard to taint.

It is my firm belief that another Attorney General should be the one pursuing this issue further since you are wearing a biased lens in making decision concerning this case.

I further believe that with this biased lens, you cannot properly and fairly advise the Government of Ghana on this issue of exercising the constitutional rights of an Attorney General as stated in article 88 of the 1992 Constitution vis-à-vis my rights under the same Constitution of the Republic of Ghana as a citizen.

I am humbly appealing to you to step aside or resign totally as an Attorney General for another person to pursue the appeal in



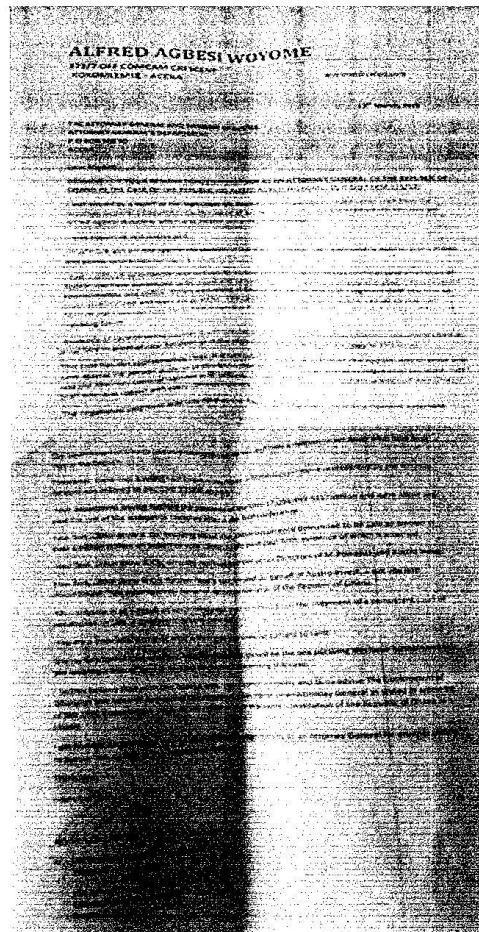
the interest of justice.

Thank you

Yours Faithfully

Signed

Alfred Agbesi Woyome

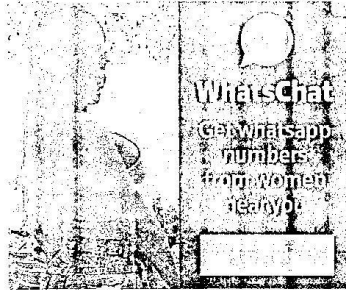


Source: Peacefmonline.com

<http://elections.peacefmonline.com/pages/politics/201503/235682.php>

3/27/2015

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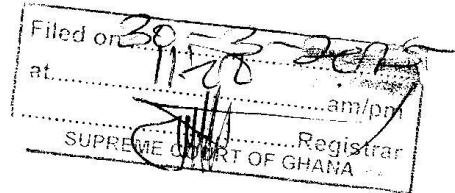
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EXHIBIT "MAA 6"

General News of Monday, 16 March 2015

Source: citifmonline.com

2015-03-16



GH¢1m Woyome paid me was debt he owed my client – AG

The Attorney General and Minister of Justice, Marietta Brew Appiah-Opong, has insisted that the GH¢1.4 million businessman, Alfred Agbesi Woyome claims to have paid to her was debt owed her client, Ray Smith.

“If he intends to dent my credibility with regards to handling the appeal or the Supreme Court case, of course that won’t work. I never even handled any of these cases, the money was paid to Ray Smith and it was in respect of a debt that Alfred Woyome owed Ray Smith which he had refused to pay, it’s as simple as that,” she explained.

Mr Woyome who was charged for causing financial loss to the state and defrauding by false pretense in the controversial GH¢ 51 million judgment debt was acquitted and discharged after three years of litigation.

Meanwhile, a letter written to the AG by Alfred Woyome accused the AG (Marietta Brew Appiah-Opong) of receiving GH¢1.4 million from the GH¢51 million and asked her to resign and allow another person pursue the case.

But Speaking to Citi News, Mrs Marietta Brew insisted that receiving such amount on behalf of her client is “not in conflict of interest. I went to court several times on this particular matter, so why didn’t he raise it when the prosecution was going on?”

“The only thing I can say is that, now there are three law lords in the court of appeal who are going to look at this case and the judgment and decide whether the judge was right or wrong. If he had anything to say, he should save his breath and say those things in the court of appeal. He has an opportunity to respond when we file our written submissions,” she said.

The AG has said her outfit will pursue the case at the Appeals Court. On suggestions that the state should not appeal the case, Mrs Marietta Brew Appiah Opong advised Ghanaians to desist from making such statements.

“They were not in court, they have not read the records, they were not there when the judgment

was being read, [so] I'm not sure how they came by those conclusions... That's unfortunate and I think that some people will know better than to draw such conclusions," she added.