

IN THE SUPRIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA - A.D. 2024

Filed on... 26/2/24
at... 10:00 am/pm
Registrar
SUPREME COURT OF GHANA

CIVIL MOTION No. J5/90/2023

IN THE MATTER OF

THE REPUBLIC

VRS

THE COURT OF APPEAL
ACCRA

RESPONDENT

EX PARTE:

THE DISCIPLINARY COMMITTEE
GENERAL LEGAL COUNCIL
ACCRA

APPLICANT

KWAME FOSU - GYEABOUR
H/No. 5, 8th Avenue
West Ridge, Accra

INTERESTED PARTY

AND

IN THE MATTER APPLICATION FOR CONTEMPT

THE REPUBLIC

VRS

1. **THE CHIEF JUSTICE**
Republic of Ghana
2. **THE JUDICIAL SECRETARY**
All of Supreme Court Building
Accra
3. **THE GENERAL LEGAL COUNCIL**
Ghana School of Law
Makola, Accra

RESPONDENTS

EX PARTE:

KWAME FOSU - GYEABOUR
H/No. 5, 8th Avenue
West Ridge, Accra

APPLICANT

MOTION ON NOTICE FOR COMMITAL FOR CONTEMPT
- ARTICLE 126 (2) & (4) OF THE 1992 CONSTITUTION

MOTION ON NOTICE by **EDWARD SAM CRABBE** of CRABBE, CRABBE & CO., Counsel for and on behalf of the applicant herein praying the Honourable Court to commit and sentence the respondents herein to prison for contempt of the Superior Courts of the Republic of Ghana including this Honorable Court and for the Respondents to purge themselves of the contempt by refraining from any acts or attempts to revoke applicant's solicitors' license upon the grounds stated in the accompanying affidavit and for such further orders (s) as the court may deem fit.

J *Δ DATE TO BE FIXED*
COURT TO BE MOVED on the day of 2024
at 9 o'clock in the forenoon or so soon thereafter as
Counsel for Applicant may be heard.

*DATED AT THE LAW OFFICE OF CRABBE, CRABBE & CO., HOUSE
NUMBER D002, TSE ADDO HIGH STREET/LAST STOP BEHIND TRADE
FAIR CENTRE, EAST LA - ACCRA*

THIS 23RD DAY OF FEBRUARY, 2024.

*CRABBE, CRABBE & CO.
(LAWYERS)
P. O. BOX 05 2056, OSU-ACCRA
HSE. NO. D002, TSE ADDO HIGH STREET/
LAST STOP BEHIND TRADE FAIR CENTRE
EAST LA - ACCRA*

*Edward Sam Crabbe Esq.,
eGAR 000769/24
CRABBE, CRABBE & CO.,
(Lawyer for the Applicant)*

THE REGISTRAR
SUPREME COURT
ACCRA

AND TO THE RESPONDENTS HEREIN.

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} APPLICANT

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Makola, Accra

} **RESPONDENTS**

EX PARTE:

KWAME FOSU - GYEABOUR
H/No. 5, 8th Avenue
West Ridge, Accra

} **APPLICANT**

**AFFIDAVIT IN SUPPORT OF MOTION FOR
COMMITAL FOR CONTEMPT**

I, **KWAME FOSU-GYEABOUR** of H/No. 5, 8th Avenue, West Ridge – Accra make oath and say as follows:

1. That I am the Applicant and the Deponent herein.
2. That I am a legal practitioner of good standing for twenty-three (23) years in Ghana.
3. That 1st respondent is the head of the General Legal Council, and the Judiciary of Ghana.
4. That 2nd respondent is the secretary to the General Legal Council and the Judiciary of Ghana.
5. That the General Legal Council on the **20th day of April, 2023** convicted and sentenced me by suspending me from practising as a lawyer from the **1st day of May, 2023** for a period of twelve (12) months by the disciplinary committee of the General Legal Council. **See exhibit A.**
6. That even before I could be served or obtain a copy of the Decision of the General Legal Council, the General Legal Council on the **1st day of May, 2023** (a public holiday) wrote a public notice containing the content of my sentence and released same to various social media platforms on the **3rd day of May, 2023**. **See Exhibit B.**

7. That even the General Legal Council in their notice released to the various social media platforms barred me from even entering my law office when their Decision on the 20th day of April, 2023 did not state so.
8. That on the 28th day of April, 2023, I filed an appeal against the Decision of the General Legal Council to the Court of Appeal to have the decision of the General Legal Council set aside.
9. That based on the said appeal, I filed a Motion on Notice for Stay of Execution and Suspension of my sentence on the 2nd day of May, 2023 at the Court of Appeal, pending the determination of his appeal.
10. That the Court of Appeal on the **23rd day of May, 2023** heard my Motion for Stay of Execution and granted same by staying the sentence imposed on me, pending the determination of my appeal to the Court of Appeal.
See exhibit C.
11. That despite the stay granted me by the Court of Appeal, the General Legal Council failed to communicate same to the public as it did communicate my suspension to the general public despite a request from me.

12. That the General Legal Council subsequently filed a Motion on Notice to Invoke the Supervisory Jurisdiction of the Supreme Court on the 26th day of July, 2023 to quash the ruling of the Court of Appeal dated the 23rd day of May 2023 staying or suspending my sentence pending the determination of my appeal. **See exhibit D.**
13. That the Supreme Court in its Ruling dated the 7th day of February, 2024 dismissed the application of the General Legal Council. **See exhibit E.**
14. That meanwhile, by the **3rd day of January, 2024**, I had paid all my bar dues and solicitor licence fee and had my solicitor's license renewed by the General Legal Council for the year 2024. See exhibit **F, F1** and **F2**.
15. That however, the respondents by a circular dated the **16th day of February, 2024** to all courts in Ghana and published in social media platforms stated that my solicitors license has not been renewed for the year 2024. **See exhibit G.**
16. That the respondents in the said circular purported to nullify all orders I have obtained or would obtained for my clients from courts.
17. That the circular further directed all courts not to grant me audience until further notice from the respondents.

... already obtained my practising license for the year 2024 on the 3rd day of January, 2024 to the knowledge of the respondents.

20. That the respondents are even bent on revoking my practising licence duly renewed for the year 2024 in view of the order for stay of execution my suspension granted by the Court of Appeal and subsequently upheld by this Honourable Court on the 7th day of February, 2024.

21. That the respondents by their conduct have shown they have no respect for the order of the Court of Appeal that granted me the stay of execution of my suspension by the respondents, which Court of Appeal order was upheld by this Honourable Court on the 7th day of February, 2024.

22. That the respondents also do not have respect for the orders of all courts which orders the respondents purport to nullify by their circular dated the 16th day of February, 2024.