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Filed on 23/10/25
at 3:00 am/pm
Registrar
HIGH COURT, ACCRA

GJ/0068/2026
SUIT NO:

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION DIVISION
ACCRA - A.D. 2025

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW:
ARTICLES 141, 23 & 296 OF THE CONSTITUTION, 1992 AND
ORDER 55 OF C.I. 47

Between

PAUL ADOM-OTCHERE
H/NO. 1 Guava Street,
Teshie-Nungua Estates
Accra

APPLICANT

And

THE OFFICE OF THE SPECIAL PROSECUTOR
6 Haile Selassie Street
South Ridge
Accra

RESPONDENT

**NOTICE OF MOTION:
APPLICATION FOR JUDICIAL REVIEW**

TAKE NOTICE that this Honourable Court will be moved on the
..... day of 2025 by Counsel for and on behalf of
the Applicant herein for the following reliefs:

- i. A declaration that the directive of the Special Prosecutor for the applicant herein to declare his property and income, contained in the Notice to Declare Property and Income dated 4th August, 2025 and signed by the Special Prosecutor, is manifestly unlawful, in violation of the **Office of the Special Prosecutor Act, 2017 (Act 959)** and **Office of the Special Prosecutor (Operations) Regulations, 2018 (L. I. 2374)**, and amounts to an abuse of power of the Special Prosecutor;
- ii. An order of certiorari to bring in the directive of the Special Prosecutor complained of in (i) above and quash same as being in violation of due process and relevant provisions of Act 959 regulating the performance of the Special Prosecutor's functions, particularly, **sections 47(1), 50 and 51 of Act 959**;
- iii. A declaration that threats issued by the Special Prosecutor and his staff of "legal consequences", "confiscation of property or income"

and “detention” following the service of the Notice to Declare Property and Income dated 4th August, 2025 are an unlawful harassment of the applicant and in violation of the applicant’s fundamental human rights;

- iv. an order prohibiting the Respondent from detaining or in any manner curtailing the liberties of the Applicant or abusing his rights as a result of the refusal to obey the unlawful directive of the Special Prosecutor dated 4th August, 2025.
- v. General damages against the Respondent.
- vi. Costs of litigation including lawyer’s fees.
- vii. Any other order(s) as to this Honourable Court may seem meet.

GROUND FOR RELIEFS SOUGHT:

- (a) Illegality and want of power under the **Office of the Special Prosecutor Act, 2017 (Act 959)**, the **Office of the Special Prosecutor (Operations) Regulations, 2018 (L. I. 2374)** and the **Criminal and Other Offences (Procedure) Act, 1960 (Act 30)**.
- (b) Arbitrariness, unreasonableness and unfairness on the part of the Respondent.

NAMES AND ADDRESSES OF PERSONS DIRECTLY AFFECTED BY THE APPLICATION

THE OFFICE OF THE SPECIAL PROSECUTOR, ACCRA

DATED AT DAME & PARTNERS, CANTONMENTS, ACCRA THIS 21ST DAY OF OCTOBER, 2025

.....
YAW BOAMPONG ADU BREMPONG

Solicitor’s Licence No: eGAR04916/25

DAME & PARTNERS

55A Kakramadu Link

Cantonments, Accra.

Chamber Reg. Licence No: **ePP09695/25**

LAWYER FOR APPLICANTS



**THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION DIVISION
ACCRA**

AND FOR SERVICE ON THE RESPONDENT HEREIN

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APPLICANT

And

THE OFFICE OF THE SPECIAL PROSECUTOR
6 Haile Selassie Street
South Ridge
Accra

RESPONDENT

AFFIDAVIT OF PAUL ADOM-OTCHERE IN SUPPORT

I, **PAUL ADOM-OTCHERE** of H/No. 1 Guava Street, Teshie-Nungua Estates, Accra, do make oath and say as follows:

1. That I am the deponent hereto and depose to this affidavit in respect of matters within my knowledge, information and belief.
2. That I am a citizen of Ghana, and until 6th January 2025, the Chairman of the Board of Ghana Airports Company Limited (GACL), a private company limited by shares in which the Government of Ghana has shares.
3. That the Respondent is set up by an Act of Parliament – the **Office of the Special Prosecutor Act, 2017 (Act 959)**, and mandated to investigate corruption and corruption-related cases and in accordance with **section 4(2)** of Act 959, “*shall be authorised by the Attorney-General to initiate and conduct the prosecution of corruption and corruption-related offences*”.
4. That towards the end of July, 2025, I received an invitation to attend upon the Office of the Special Prosecutor (OSP) as a suspect in investigations into corruption and corruption-related activities in a contract executed by the Managing Director of GACL on behalf of the

company and another company, Evatex Logistics Company Limited in or around December, 2024

5. That I attended upon the OSP on Thursday, 31st July, 2025 and was interrogated for a number of hours at the end of which I was asked whether I had any landed property in Accra in response to which I truthfully indicated that I did not own any landed property.
6. That officers of the Respondent herein put me under arrest and stated a as a condition for the grant of bail "*two landed properties in my name*".
7. That since I did not own any landed property and therefore was not in the position to satisfy the condition for the grant of bail to me, I was detained by the Special Prosecutor at the cells of the National Investigations Bureau.
8. That the following day, my lawyers engaged the Special Prosecutor for a variation of the condition of the bail granted to me, in consequence of which the Special Prosecutor varied same to two landed properties with two sureties to be justified and for me to report at the offices of the Special Prosecutor every Thursday. Following my satisfaction of the bail conditions, I was released by the Special Prosecutor around 4 pm on 1st August, 2025.
9. That my arrest and detention by the Special Prosecutor were unwarranted when account is taken of the fact that I was not the one who signed the contract on behalf of GACL and the signatory, the Managing Director, was even merely questioned and allowed to go home without any detention.
10. That, further, the contract in issue was not implemented between December, 2024 when same was executed and 6th January, 2025, when I resigned my position as Chairman of the Board of GACL. Indeed, the Special Prosecutor himself issued a press statement in which he admitted that no funds were expended under the contract whilst I was in office as Chairman of the Board of GACL.
11. That by a letter dated 4th August 2025, headed as "Notice to Declare Property and Income", the Special Prosecutor directed me to declare my property and income, as per some attached notice and forms. Attached herewith and marked as **Exhibit PAO1** is a copy of the directive of the Special Prosecutor.
12. That quite alarmingly albeit false, the Special Prosecutor served notice of the commission of "**an offence**" by me in the event of a failure to complete the forms and return same within thirty (30) days or in the event of an intentional or negligent failure to make the required disclosure.

13. That the letter further purported to indicate that any property or income not declared "*is liable to confiscation to the Republic*".
14. That in view of the criminal consequences of a default in complying with the Special Prosecutor's directive as alleged in his letter dated 4th August, 2025, I referred same to my lawyers who by a letter dated 25th August 2025 adverted the Special Prosecutor's attention to the unlawfulness of his threats. Attached herewith and marked as **Exhibit PAO2** is a copy of the letter written by my lawyers.
15. That surprisingly, by a letter dated 3rd September 2025 the Special Prosecutor stated that he was relying on "a verbatim reproduction of statutory provisions' and that I must comply. Attached herewith and marked as **Exhibit PAO3** is a copy of the letter written by the Special Prosecutor.
16. That since that letter, various officers of the Respondent, in a manner which is unbecoming of an investigative agency and bordering on mental torture calculated to force compliance, have been sending messages threatening me that failure to comply will result in legal consequences which I understood to include arrest and/or revocation of the bail granted to me, even though absolutely no further step has been taken by the OSP in the purported investigations since my previous arrest and detention.
17. That due to the unwarranted, unlawful and undue pressure exerted on me by the Respondent, I was compelled to comply with the request and submitted the form under protest while categorically noting, by letter dated 23rd October 2025, that the request by the Respondent was unlawful and a flagrant abuse of the laws under which the Respondent operates.
18. That I am advised by counsel and verily believe same to be true that nowhere in any of the laws governing the performance of the functions of the Special Prosecutor – **Act 959** and **L. I. 2374** – is he mandated to compel the declaration of properties and income by persons he is merely investigating, has not charged before court or has not obtained any orders compelling declaration of properties and income from this Honourable Court.
19. That I am further advised by counsel and verily believe same to be true that in accordance with **section 47(1)** of Act 959, a request for disclosure of funds and property may be made by the Special Prosecutor only **after confirmation of a freezing order has been made by the Court**, and the Special Prosecutor has made another application to the Court for an **order further directing disclosure** of property by the persons affected.
20. That I am advised by counsel and verily believe same to be true that, as stipulated in section 47(5) of Act 959, an offence is caused only where a

person has been charged and directed by the Court to make a disclosure and that person fails to make the disclosure.

21. That I am again advised by counsel that **section 40(1)** of Act 959 requires a freezing order to be made only after satisfaction of the six grounds stated in the provision, including a charge of the affected person with an offence known to law, and the provision of reasonable grounds showing that the identified property is tainted property.
22. That I am advised by counsel that the threat by the Special Prosecutor that a failure to declare any income or property renders the property or income liable to confiscation is also baseless as, in accordance with **section 50** of Act 959, the OSP may only apply for confiscation **where a person is convicted** of a court of competent jurisdiction of a corruption or corruption-related offence.
23. That I am further advised by counsel and verily believe same to be true that **L. I. 2374**, the subsidiary legislation enacted pursuant to Act 959, and on basis of which the Respondent issued the declaration of property and income forms to me, does not and indeed, cannot legally create an offence, and therefore the threat by the OSP of the commission of an offence is utterly baseless.
24. That my former position as the chairman of the governing board of GACL to which the purported investigations relate, was not a public office, and in any event, the Office of the Special Prosecutor is not an office mandated by law to require disclosure of assets of public officers.
25. That the Respondent's actions are arbitrary, an affront to the provisions of the law regulating the performance of his functions and must be checked by this Honourable Court.
26. That the threats of curtailment of my liberties issued by officers of the Respondent as a result of my failure to fill the asset property and income declaration forms issued to me are clearly illegal and an assault on my fundamental human rights.

WHEREFORE I swear to this affidavit in support of the instant application.

Sworn in Accra, this 23RD day of October, 2025

Non Okhore

DEPONENT

BEFORE ME

COMMISSIONER FOR OATHS

FELIX AKAKPO LAWER
COMMISSIONER FOR OATHS
P. O. BOX TN 1933
TESI LUNGUA EST. ACCRA



EX-H 'PA01'

4 August 2025

Paul Adom-Otchere
Accra

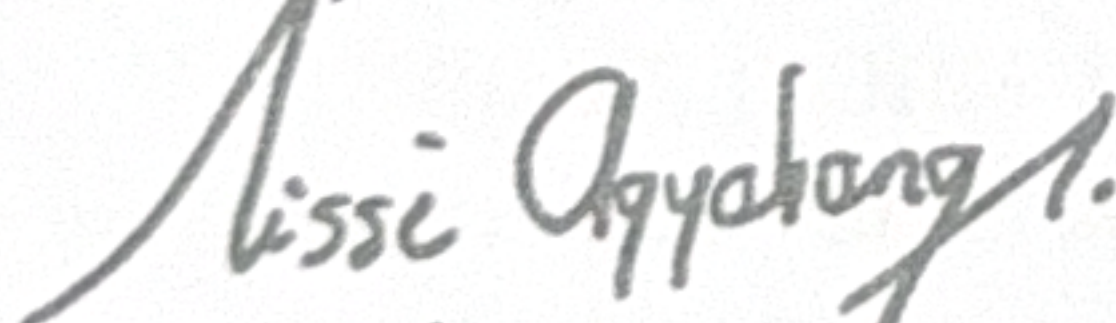
Notice to Declare Property and Income

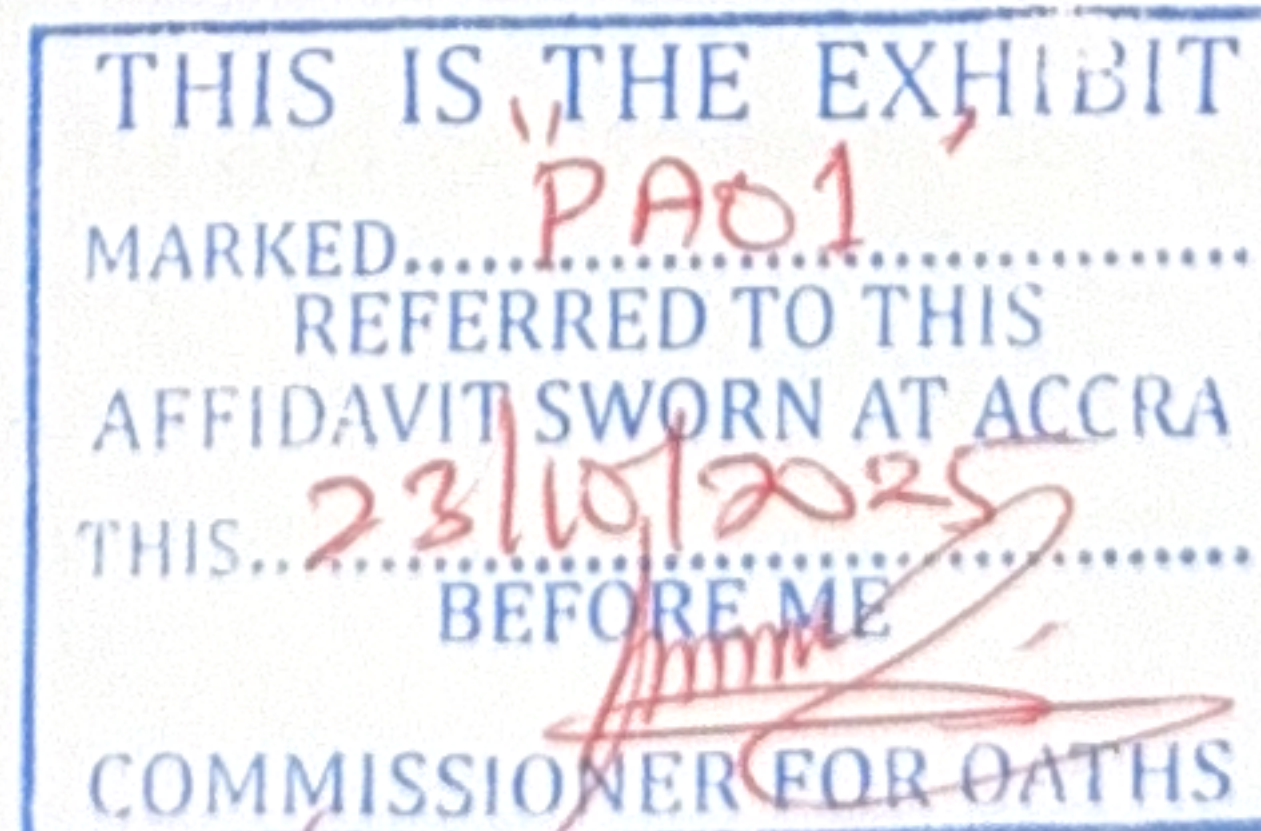
You are directed to declare, as *per* the attached notice and forms, your property and income to the Office of the Special Prosecutor (OSP).

Take note that you commit an offence if you fail to return the completed forms to the OSP within thirty(30) days of your receipt of the notice and if you intentionally or negligently fail to disclose any information.

Further, take note that any property or income you fail to declare is liable to confiscation to the Republic.

Faithfully,


Kissi Agyebeng
The Special Prosecutor



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DAME & PARTNERS

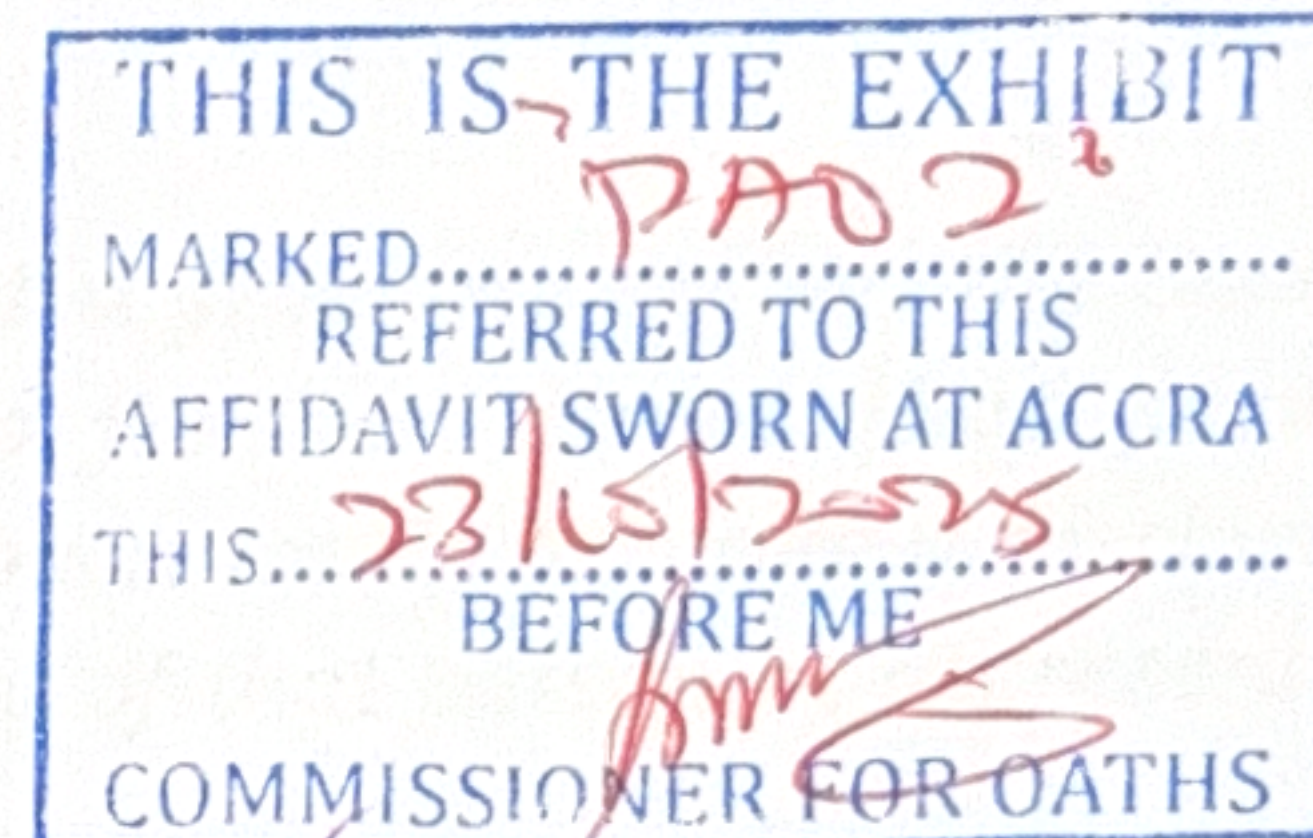
Legal Practitioners and Consultants

Monday, 25th August 2025.

The Special Prosecutor,
Office of the Special Prosecutor,
Accra.

Attn: **Kissi Agyebeng, Esq.**

Dear Sir,



RE: NOTICE TO DECLARE PROPERTY AND INCOME

We act for Mr. Paul Adom-Otchere.

Your letter dated 4th August 2025, headed as above and addressed to our client, has been referred to us with instructions to reply to same.

Accompanying the letter were two forms:

- i. DECLARATION OF PROPERTY AND INCOME FORM (FORM 11B) issued under Regulation 20(1) of the **Office of the Special Prosecutor (Operations) Regulations, 2018 (L. I. 2374)**; and
- ii. COMPLIANCE WITH NOTICE TO DECLARE PROPERTY AND INCOME (FORM 12) issued under Regulation 20(2) of **L. I. 2374**.

By your letter, our client is directed to declare his property and income, as per the attached notice and forms.

The letter serves notice of the commission of an offence by our client in the event of a failure to complete the forms and return same to the Office of the Special Prosecutor (OSP) within thirty (30) days or in the event of an intentional or negligent failure to make the required disclosure. The letter further purports to notify our client that any property or income not declared is liable to confiscation to the Republic.

Respectfully, in view of the criminal consequences of a default in compliance with your request purportedly outlined in your letter referred to above, we have examined the provisions of the **Office of the Special Prosecutor Act, 2017 (Act 959)** and **L. I. 2374**, and observe as follows:

1. **Act 959** contains explicit provisions on disclosure of funds and asset to the Special Prosecutor. A careful consideration of **Section 47(1)** of Act 959 shows that a request for disclosure of property owned by a person may be made by the Special Prosecutor after confirmation of a freezing order by the Court. This request is made pursuant to an application by the Special Prosecutor to the Court.

For the avoidance of doubt, section 47(1) of Act 959 stipulates thus:

“Disclosure of funds and other assets

47. (1) Where the Court has confirmed a freezing order, the Special Prosecutor may apply to the Court to further direct that person against whom the freezing order has been made to make a disclosure within fourteen days of any other property of that person in a prescribed form.”

2. You would note from **section 40(1)** of Act 959 and the jurisprudence of the courts that a freezing order is delivered by the Court after it is satisfied that the six grounds stated in the provision, including the provision of reasonable grounds showing that the identified property is tainted property, exist in a particular case.
3. The OSP has not obtained a freezing order from the Court in respect of any property deemed to be owned by our client. Neither has the office made a further application to the Court for a disclosure of our client's assets, income and funds after the confirmation of a freezing order.
4. Significantly, at all material times, our client did not hold a public office. Our client's former position as the chairman of the governing board of Ghana Airports Company Limited to which your investigations relate, was not a public office.
5. Further, it is imperative to indicate, contrary to the content of your letter, that, a failure to declare property or income does not render same liable to confiscation to the Republic. In accordance with **section 50** of Act 959, the OSP may only apply for confiscation **where a person is convicted** of a corruption or corruption-related offence by a court of competent jurisdiction. An application for a confiscation order (**after conviction**) requires compliance with the procedure laid out in **section 51**.
6. It is apparent from the foregoing that Act 959 provides no basis for a disclosure of property, funds or income, or confiscation of property, funds or income in a vacuum.

7. **L. I. 2374**, the subsidiary legislation enacted pursuant to Act 959 and on basis of which the declaration of property and income forms were issued to our client, does not and indeed, cannot create an offence.

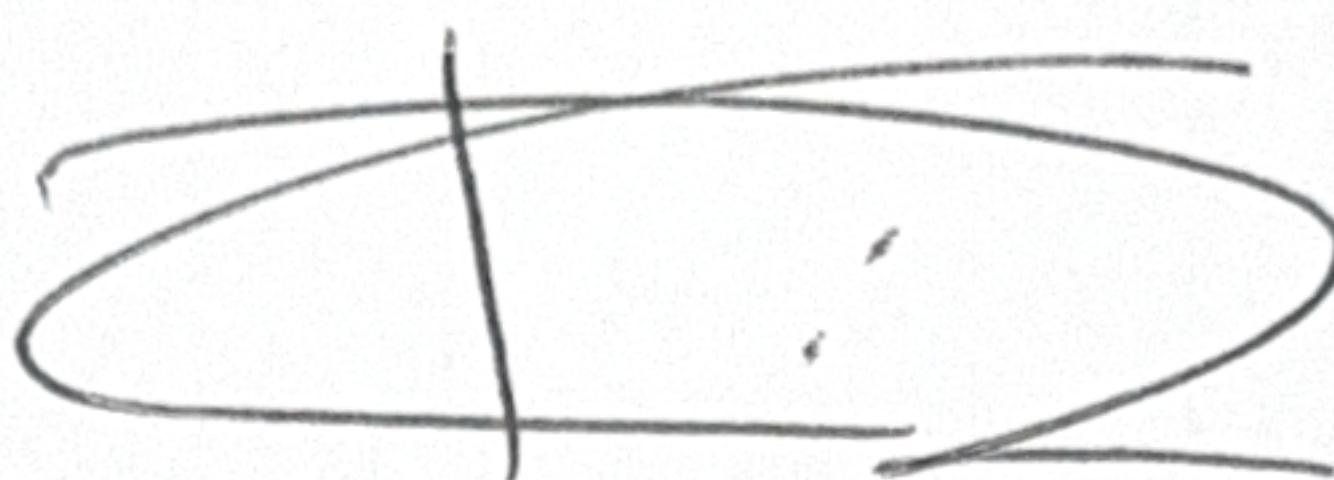
Respectfully, in light of the above, we are constrained to indicate that your letter dated 4th August, 2025 does not comply with the requirements of **Act 959** and **L. I. 2374**.

Our client assures you of his preparedness to continue to lawfully assist in the investigations being conducted by the OSP in accordance with Act 959.

We await a response to this letter.

Please accept the assurances of our highest esteem.

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized 'G' and 'Y' that are interconnected, with a vertical line crossing through the middle.

GODFRED YEBOAH DAME

Cc: Mr. Paul Adom-Otchere,

Accra.



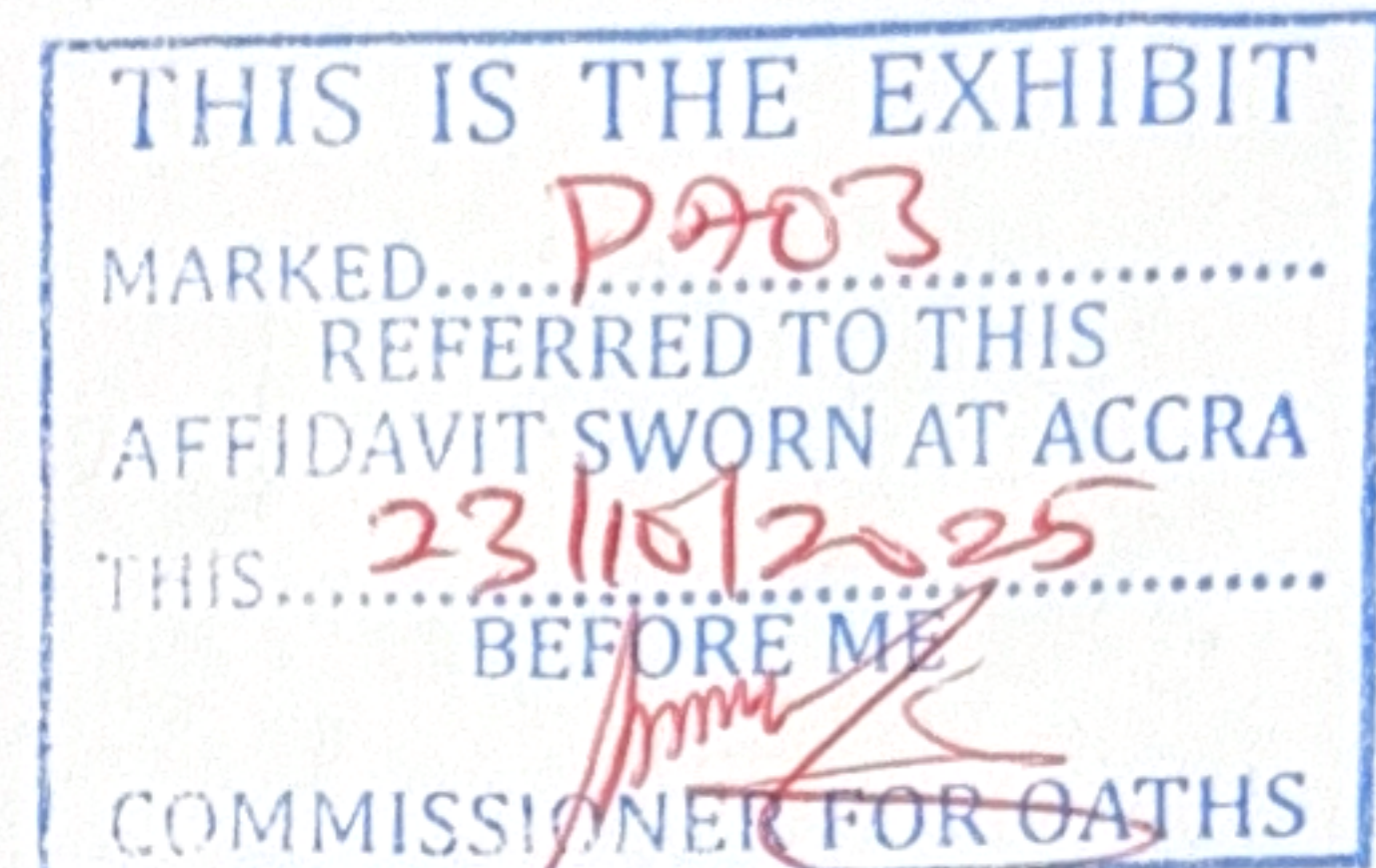
EXH 'PAO 8'

3 September 2025

Dame & Partners
55A Kakramadu Link
Accra

Attn: Godfred Yeboah Dame, Esq.

In re: Notice to Declare Property and Income
Paul Adom-Otchere



I refer to your communication dated 25 August 2025.

You would reckon that the forms and notice served on your client are a verbatim reproduction of statutory provisions, without any attempt at superimposition of opinion by the Office of the Special Prosecutor.

Your client is required to comply with the directive in the notice.

Please accept the compliments of my highest consideration.

Faithfully,

Kissi Agyebeng
The Special Prosecutor

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