



IN THE SUPERIOR COURT OF JUDICATURE  
IN THE SUPREME COURT

THE MATTER OF  
IGAHLO RIDGE (GHANA) LIMITED  
V  
THE ATTORNEY GENERAL OF GHANA

*This moot problem is a work of fiction. It does not necessarily represent or depict the usual or known court processes; nor does it conform to its conventional procedures. The names, characters, places and incidents in it are products of the author's imagination. Any resemblance to actual places, events, persons living or dead or any organization is purely coincidental.*

1. The Republic of Ghana is preparing for its 2028 presidential elections. All political parties in Ghana have held their primaries to duly nominate a flagbearer to lead their respective parties. The two leading political parties in Ghana are the Progress Political Party (PPP) and the Unity Party (UPP).
2. In 2024, President Ibrahim Gariba of the Progress party was elected as the President of Ghana for a second term of office. In the 2024 parliamentary elections, the Unity Political Party (UPP) won 140 seats, the Progress Political Party (PPP) won 132 seats and the remaining parliamentary seats were won by the other political parties and independent candidates.
3. According to the UNDP Index Report released in 2024, Ghana is the biggest economy in West Africa with strong trade ties with the 5 powerful nations of the world namely, the Republic of Libertia Republic, the Sun Nation, the Republic of Gualia, the Slavo Federation and the United Republic. According to the report the Sun Nation is the fastest growing economy in the world.
4. John Moss, the current president of the Republic of Libertia, based his campaign prior to his election on making Libertia the greatest country in the world again. According to international media, President John Moss has sought to increase the influence of Libertia through the use of multinational corporations that have Libertia as their home country as well as through trade and other relations. One of the companies Libertia is allegedly using to reduce the influence of some of the other nations particularly the Sun Nation is the Libertatum Corporation which is wholly owned by Glanville Williams a national of Libertia.
5. The Government of Libertia has since released a statement denying the allegations saying companies belonging to individuals are not organs of state. The Government of Libertia also stated that it respects the separate legal personality of multinational corporations.
6. In the wake of the 2028 elections, the Progress Political Party (PPP) nominated Mr. Lee Dzormenyo, the former party secretary, as its Presidential candidate and Helena Dadson Esq as his running mate. The Unity Party (UPP) nominated Dr. Samuel Opoku Ntiri as its Presidential candidate and Mr. George Agbesi as his running mate.
7. According to the government records from the Department of Social Welfare, on 10<sup>th</sup> August 1993, Mr Lee Dzormenyo was found wandering in the streets of Accra with a note in his pocket which when translated from the language of the Sun Nation to English read 'His name is Lee Huang, please take care of him.' The Department of Social Welfare was able to determine that neither of his parents were 'indigenous' Ghanaians, he was six (6) years at that time and Huang was a common surname in the Sun Nation however the identity of parents was unknown. After many publications in the major newspapers trying to

unsuccessfully find his parents for many months he was adopted by Mr. and Mrs. Dzormenyo who were teachers at La No. 2 Government Experimental School.

8. According to local media reports, the election is the most keenly contested election in Ghana since Ghana returned to constitutional order in 1992. A vast majority of political commentators and analysts speaking on political talk shows on the media are of the opinion that although Dr Ntiri Opoku had narrowly lost the presidential elections in 2024, the Progress Political Party (PPP) had an advantage in the upcoming elections due to the Mr Dzormenyo's 'exotic Sun Nation features' and his ability to fluently communicate in almost all major Ghanaian local languages.
9. In October 2027, the Presidential aspirants submitted their Presidential nomination forms to the Electoral Commission of Ghana including a statutory declaration that they are citizens of Ghana by birth and do not owe allegiance to any foreign country. At the end of the exercise the Electoral Commission had approved seven (7) Presidential aspirants including Mr Lee Dzormenyo and Dr Opoku Ntiri.
10. On 10<sup>th</sup> November 2027, the Progress Political Party (PPP) made its policy document publicly available. The mantra 'Restoring our shared values' was adopted by the Progress Political Party for the 2028 elections. In the policy document the Progress Political Party stated that it was the last line of defence for traditional Ghanaian values which was under attack from foreign elements. The policy document proposed to solve this problem by a strict enforcement of Section 104 of the Criminal and Other Offences Act, 1960 (Act 29) as well as other enactments.
11. On 13<sup>th</sup> November 2027, a group describing itself as the Homosexual Association of Ghana (HAG) organised a press conference condemning the Progress Political Party (PPP) Policy document and describing it as hate speech which would promote violence against people of non-conventional sexual orientation. The HAG called on the general public as well as the international community to take a stand against the policies of the Progress Political Party (PPP).
12. On 15<sup>th</sup> November 2027, in response to the press conference organised by the Homosexual Association of Ghana (HAG), the Progress Political Party (PPP) released a press statement to the effect that "... all individuals are entitled to the full bundle of rights enshrined in the 1992 Constitution of Ghana including the right to sexual orientation however the Constitution does not recognise the right to engage in homosexual activities. We urge the general public to desist from acts of violence against persons who engage in homosexual activities, they should simply report them to the authorities for the appropriate actions to be taken. We will prosecute and not persecute!"
13. According to media reports from the leading media organisations in Ghana most Ghanaians across different spectrums of the political divide support the criminalisation of homosexuality.

According to a survey taken by Clinton Consultancy, the leading non-governmental research agency in Ghana, 56% of Ghanaians believed that homosexuality should be criminalised, 32% believed that homosexuality should not be criminalised while the rest refused to offer any opinion on the issue.

14. On the 20<sup>th</sup> of November 2027, the secretary of the United Political Party (UPP), Mr. Anthony Addison, indicated in an interview that the party was 'seriously considering' a suit challenging the eligibility of Mr. Dzormenyo to contest for the office of the President since he was not a citizen of Ghana by birth. According to the journalist who conducted the interview when he asked Mr Addison about the Progress Peoples' Party policy he allegedly stated that, "...this is perhaps the only point of consensus between UPP and PPP in the upcoming elections. The laws of Ghana must be interpreted and applied in light of our cultural values and political realities. In any case, our laws do not criminalise homosexuality in totality. You may choose to have a relationship with a member of the same sex, the only requirement is that the relationship must be chaste." Upon the dissemination of that news, the United Political Party (UPP) dissociated itself from the comments made by Mr Addison and stated that it will release a 'position paper' on the issue prior to the elections.
15. On 22<sup>ND</sup> January 2028, the African Union Independent election monitoring team released a report that the political climate in Ghana was extremely volatile and that widespread violence could easily break out. According to the report the political climate was likely to persist until after the elections.
16. On the 6<sup>th</sup> of March 2028, after the independence celebration the Progress Political (PPP) announced that their flagbearer, Mr. Dzormenyo, will begin a nationwide tour stating that "...as we celebrate our independence we must also remember that it is also the genesis of our shared values."
17. On 18<sup>th</sup> of March 2028, there was a clash between members of the United Political Party (UPP) and the Progress Political Party (PPP) at the premises of Radio Juniper when a United Political Party (UPP) party official suggested that the Progress Political Party (PPP) was being used by Sun Nation stamp their dominance in the world and Mr Dzormenyo was merely a puppet of the Sun Nation. It took the police over four (4) hours to quell the clash between the two factions. There were no deaths however eighty-four (84) people were reportedly injured during the clash.
18. On 26<sup>th</sup> March 2028, Igahlo Ridge Limited was incorporated in Ghana; the company is wholly owned by Libertatum Corporation. On the same day the United Nations at its General Assembly meeting urged Ghana to organise peaceful elections and to continue serving as beacon of hope for democracy in Africa.
19. On 30<sup>th</sup> April 2028, Igahlo Ridge Limited and Homosexual Association of Ghana (HAG) announced that they will be engaging on a joint demonstration in Accra in the morning of 7<sup>th</sup>

May 2028 to protest certain political issues in the country. The march was supposed to commence at the Jubilee House and end at the Osu Castle. The following day the Ghana Police Service wrote letters informing Igahlo Ridge Limited and Homosexual Association of Ghana (HAG) that pursuant to the Public Order Act, 1994 (Act 491), the Police must be notified of any special event in a public place at least 5 days before the event. Also the letters indicated that the event be postponed until after the elections due to the prevailing political climate in the country.

20. On 4<sup>TH</sup> May 2028, Igahlo Ridge Limited and Homosexual Association of Ghana (HAG) in a joint letter to the Police requested stated that the proposed postponement would make the exercise of the freedom of assembly a nugatory since the matters they were protesting against were matters that affected the elections at the jubilee house prior permission was not needed from the police to exercise the right and there was no danger to the public posed by the procession. The police however reiterated its suggestion in a subsequent letter dated 5<sup>th</sup> June 2028.
21. Igahlo Ridge Limited and Homosexual Association of Ghana (HAG) did not reply to the letter however on 7<sup>th</sup> June 2028, the procession started at the Jubilee House and was almost halfway to the Osu Castle when the police dispersed the demonstration using force and arrested some of the demonstrators. All the arrested demonstrators were unconditionally released within 48 hours.
22. On 10<sup>TH</sup> June 2028, Igahlo Ridge Limited issued a writ against the Attorney General invoking the court's jurisdiction under Articles 2(1) and 130(1) of the 1992 Constitution to challenge the eligibility of Mr. Lee Dzormenyo since upon a proper and true interpretation of Article 6(3) of the 1992 Constitution and Section 8 of the Citizenship Act, 2000 (Act 591) and other relevant enactments the presumption that a foundling is a citizen of Ghana by birth is a rebuttable presumption that does not operate where there was clear evidence to the contrary. Also that upon a proper and Section 104 of the Criminal and Other Offences Act, 1960 (Act 29) is unconstitutional to the extent that it criminalises homosexuality. Alternatively, that upon a proper and true interpretation of Articles 1(2) and 12 (2) of the 1992 Constitution of Ghana Section 104 of the Criminal and Other Offences Act, 1960 (Act 29) does not criminalise homosexuality. And finally that the dispersal of the demonstration using force was a violation of the freedom of assembly as guaranteed by Article 21(1) d of the 1992 Constitution of Ghana.
23. The Attorney General has since filed a defence to the action but contends that the plaintiff does not have capacity to sue and the supreme court is not the appropriate forum to seek the reliefs sought.
24. In a Memorandum of Agreed issues filed pursuant to the rules of court, the parties have called upon the Court to decide:

- I. Whether in light of Articles 2, 130 (1) and 33(1) the plaintiff has capacity supreme court is the appropriate forum for the action;
  - II. Whether in light of Articles 6(3) and 62 of the 1992 Constitution and Section 8 of the Citizenship Act, 2000 (Act 591) and other relevant enactments Mr Lee Dzormenyo is qualified for election as the President of Ghana;
  - III. Whether Section 104 of the Criminal and Other Offences Act, 1960 (Act 29) is unconstitutional to the extent that it criminalises homosexuality. Alternatively, whether in light of Articles 1(2) and 12 (2) of the 1992 Constitution of Ghana Section 104 of the Criminal and Other Offences Act, 1960 (Act 29) criminalises homosexuality.
  - IV. Whether in light of Article 21 (1) d of the 1992 Constitution the dispersal of the demonstration was a violation of the freedom of assembly.
25. The court has since ordered the parties to file written legal submissions (memorials) and has set the date to hear the oral arguments in accordance with the rules of the competition.

