

CONGRATULATIONS TO THE NDC ON THE ASSIN NORTH BY-ELECTION VICTORY: BY MARTIN A. B. K. AMIDU

The 1992 Constitution worked and won at the Assin North Constituency on Tuesday, 27 June 2023 by-election at which James Gyakye Quayson of the opposition National Democratic Congress (NDC) won a whopping 57.56% of the total valid votes cast against the incumbent New Patriotic Party's (NPP) Charles Opoku with 42.15%. The NDC must be congratulated by all patriotic persons who act apolitically in the national interest and believe in the defence of the Constitution and in the sustenance of democracy and the rule of law in Ghana.

I take the view that Constitutionalism won in the Supreme Court, the Attorney-General failed woefully in weaponizing the administration of criminal justice, while democracy and the rule of law won massively at the Assin North by-elections. My contention that constitutionalism won in Suit No 11/11/2022, **Michael Ankomah Nimfah v James Gyakye Quayson**, 17 May 2023, Supreme Court (unreported) whilst democracy and the rule of law won at the Assin North Constituency by-election is consistent with the letter and the spirit of the 1992 Constitution and supported both by case law and the literature on Constitutional law the world over.

Let me caveat that I have read the submissions of Stephen Kwaku Asare since 2008 on citizenship and allegiance, and his critique of the Supreme Court case in *Nimfah v Quayson* which he shamefully, and unethically refers to as “emotional law” as a professional lawyer himself. It deserves an answer in a considered law review article and not in the media for cheap popularity.

The loser in this interaction between constitutionalism, democracy, and rule of law is the Attorney-General whose office is guaranteed and entrenched under Chapter 8 in Article 88 of the 1992 Constitution to ensure his independence and impartiality in criminal justice administration as it affects citizens and the State. My long association with Court House Governance for almost two decades convinces me that Attorney-General tried weaponizing the instrument of criminal justice administration entrusted to his custody by Article 88 (3) and (4) of the 1992 Constitution to undermine first, the decision of the Supreme Court, and secondly, the representative democratic process guaranteed under the Constitution at the Assin North by-election.

Shamefully, Nana Addo Dankwa Akufo-Addo, the President of Ghana for the time being, jumped into the affray to undermine the decisions of the Courts and the rule of law by the autocratic statement he delivered at the rally in the Assin North on 25 June 2023. The President who has sworn a constitutional oath to “preserve, protect and defend the Constitution of the Republic of Ghana” perjured his oath, betrayed the Republic of Ghana, and created the impression that the weaponization of criminal justice administration as an instrument of a partisan political democratic representative contest by his Attorney-General was upon his express instructions.

Now is the time for the Nana Akufo-Addo to do the decent thing in beating a retreat by instructing his Attorney-General to stop the weaponization of criminal justice administration as an instrument of political persecution of opponents of the NPP by obeying the voice of the people and democracy with a *nolle prosequi* to undo the abuse of the Constitution they set in motion to unconstitutionally aid them at the by-election.

The people of Assin North have proven that the majority of patriotic Ghanaians in the constituency understand their rights and cannot be bought by incumbency largesse. The people of Assin North have also sent a clear signal to all patriots in Ghana that truth must triumph over lies and deception. The Assin North people deserve our congratulations for standing up to and showing the way that Nana Akufo-Addo's autocracy is now on live support and must be terminated come 7 December 2024 no matter his long game to abuse that election as well.

Ghana has won, constitutionalism in the Supreme Court has won, and democracy and the rule of law have won. The Ghana Constitution 1992 has demonstrated its resilience in enduring the tyranny and dictatorship of Nana Akufo-Addo and the Attorney-General despite their contravention of Chapter 8 thereof. Ghana shall rise again and Africa shall rise again.

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