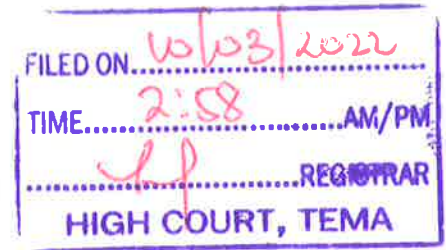


IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA – A.D. 2022



SUIT NO.: E12/160/2022

<b>IN THE MATTER OF AN APPLICATION</b>	
<b>UNDER</b>	
<b>SECTION 96 OF THE CRIMINAL AND OTHER OFFENCES (PROCEDURE) ACT, 1960 (ACT 30)</b>	
<b>AND</b>	
<b>THE INHERENT JURISDICTION OF THE HIGH COURT</b>	
<b>BETWEEN</b>	
<b>OLIVER MAWUSE BARKER-VORMAWOR</b> #32 Parakuo Link Road, Dome Pillar 2 Greater Accra.	<b>ACCUSED/APPLICANT</b>
<b>VERSUS</b>	
<b>THE REPUBLIC</b>	<b>RESPONDENT</b>

**AFFIDAVIT IN REPLY**  
**TO THE RESPONDENT'S AFFIDAVIT IN OPPOSITION TO THE APPLICANT'S MOTION**  
**ON NOTICE FOR BAIL PENDING TRIAL PURSUANT TO THE ORDER BY AND UNDER**  
**THE HAND OF HIS LORDSHIP, THE JUDGE, MR JUSTICE DANIEL MENSAH, J.,**  
**SITTING IN THE TEMA HIGH COURT ON THURSDAY, MARCH 10, 2022.**

I, OLIVER MAWUSE BARKER-VORMAWOR, postgraduate student, of #32 Parakuo Link Road, Dome Pillar 2 in the Greater Accra Region (but currently in the custody of the police), do hereby make oath and say as follows:

1. That I am the Deponent and Applicant herein.
2. That the facts deposed to herein are matters within my personal knowledge, information and belief.
3. That at the hearing of this application, my counsel shall seek the leave of this honourable Court to refer to all the processes filed in this matter as if same were set out *in extenso* herein and sworn to on oath.

4. That I have, on **Thursday, March 10, 2022**, been served in the Court with a copy of the Respondent's affidavit in opposition, which was filed on **Wednesday, March 9, 2022**.
5. That apart from those which I have expressly admitted in this affidavit, I categorically deny each of the depositions in the Respondent's affidavit in opposition.
6. That in response to Paragraphs 5 and 15 of the Respondent's affidavit in opposition, I say as follows:
  - a. That though a postgraduate law student in the University of Cambridge, England, I have no fixed place of abode there or any place outside of Ghana.
  - b. That, rather, I have a fixed place of abode in Accra, Ghana, where I live and have personally led the police to on **February 17, 2022**, for the purposes of executing a search warrant from the courts.
7. That in response to Paragraph 6 of the Respondent's affidavit in opposition, I say as follows:
  - a. That I arrived at the Kotoka International Airport from the United Kingdom on the airplane TAP Air Portugal flight TP 1527 which landed at about 5.00 pm on **Friday, February 11, 2022**.
  - b. That a few minutes thereafter (*not* at 10:30 pm), two (2) armed men in civilian clothes, who did not disclose their identities to me, accosted me and took me to a place within the Airport premises and started interrogating me amidst assault, abuse, intimidation and harassment.
  - c. That when I demanded to know their identities and the reason for detaining and manhandling me in the manner they did, they assaulted, abused, intimidated and harassed me further and demanded that I unlocked my mobile phone for them to search through.
  - d. That the men, numbering four (4) at this point, continued to assault, abuse, intimidate and harass me for a few more hours until one of them, after having a phone conversation with someone, directed them to drive out of the Airport.
  - e. That it was after about 10:00 pm in that night that the armed men, whose identities I still did not know, handed me to the Ashaiman police command where I was for the first time informed that I was under arrest.
  - f. That I was not taken to any court (even long after 48 hours of my arrest) until at about 9 am on **Monday, February 14, 2022**, when I was sent before the Ashaiman Magistrate Court (Coram: HER HONOUR, MRS

ELEANOR KAKRA BARNES-BOTCHWAY) on the accusation of the offence of Treason Felony.

8. That in response to Paragraph 12, 13 and 14 of the Respondent's affidavit in opposition, I say as follows:
  - a. That I have fully cooperated with the Police throughout my arrest, detention, and interrogations.
  - b. That on **February 17, 2022**, for instance, when the police presented to me a search warrant from the courts, I complied and led them to conduct various intrusive and thorough searches at my home and all the other places that were named in the said search warrant.
  - c. That, again, when the police presented another search warrant which they obtained *ex parte* to me on **March 3, 2022**, I referred them to my counsel who promptly wrote a letter to the Inspector-General of Police, entreating him to put in place the necessary arrangements for the search to be conducted in accordance with the warrant. Attached and marked as **Exhibit OMB2** and **Exhibit OMB3** are a copy, each, of the said search warrant and the letter from my counsel to the Inspector-General of Police.
  - d. That, subsequently, I have (in **Suit No. E12/164/2022**) challenged the validity of the said search warrant and the manner in which the police intend to execute it in this honourable court.
  - e. That I have handed to the police my mobile phone and any other personal effects of mine which they ever asked for since I was arrested; and, which are still in the custody of the police at the time of deposing to the present affidavit.
9. That I emphatically deny Paragraphs 16 and 18, of the Respondent's affidavit in opposition and say in further response as follows:
  - a. That I voluntarily came to Ghana, prior to which (on **February 9, 2022**) I publicly announced my programs and itinerary in Ghana even in the teeth of several warnings and full awareness of the possibility that I will be arrested, detained or prosecuted for a comment I had made on Facebook.
  - b. That prior to this arrest, I have never been accused, charged, prosecuted or convicted of a crime, and neither have I refused to comply with a court order or a lawful instruction of the police.
  - c. That I will make myself readily available to go through the present criminal proceedings and, as I have done, continue to fully cooperate with any investigations which this criminal process may entail.
10. That I categorically deny the Respondent's scandalous deposition in paragraph 17 of the affidavit in opposition and say further that I have only one wife who lives

and works in Ghana; and that I will, at the hearing of this motion, pray the honourable Court to expunge the said scandalous deposition from the Court's records.

11. That one whole month into my arrest and detention (and as at the time of deposing to this Affidavit), the Respondent is yet to charge me with the offence of Treason Felony or take a statement from me in respect of that charge.
12. That I am advised by counsel, and I verily believe the same to be true that the Respondent have no genuine or reasonable or probably cause for my arrest or continuous detention.
13. That I am, again, advised by counsel, and I verily believe the same to be true that the offence of Treason Felony is not supported by the facts of this case (including all the depositions in the Respondent's affidavit in opposition).
14. That, finally, I am advised by counsel, and I verily believe the same to be true that this is a proper case where this honourable Court ought to exercise its jurisdiction to grant me bail pending trial and to make any other order(s) which the Court deems fit.

WHEREFORE I swear to this affidavit in support of the motion.

SWORN AT TEMA }  
}

THIS }  
DAY OF }  
2022 }  
}

  
\_\_\_\_\_  
DEPONENT

BEFORE ME

  
COMMISSIONER FOR OATHS

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA – A.D. 2022

FILED ON 10/08/2022  
TIME 2:58 AM/PM  
ch REGISTRAR  
HIGH COURT, TEMA

SUIT NO.: E12/160/2022

IN THE MATTER OF AN APPLICATION  
UNDER  
SECTION 96 OF THE CRIMINAL AND OTHER OFFENCES (PROCEDURE) ACT, 1960  
(ACT 30)  
AND  
THE INHERENT JURISDICTION OF THE HIGH COURT  
BETWEEN  
OLIVER MAWUSE BARKER-VORMAWOR ACCUSED/APPLICANT  
#32 Parakuo Link Road,  
Dome Pillar 2, Greater Accra.  
VERSUS  
THE REPUBLIC RESPONDENT

CERTIFICATE OF EXHIBITS

I, John Appuhen Balle, Commissioner for Oaths /Magistrate/  
Registrar of Court/ Notary, do hereby certify that the following documents have been  
attached to the Applicant's Affidavit in support of the motion on notice for bail and  
exhibited before me.

NO.	EXHIBIT MARK	DESCRIPTION
1	Exhibit OMB2	A copy of a court warrant dated February 17, 2022.
2.	Exhibit OMB3	A copy of a letter from by counsel to the Inspector-General of Police dated March 3, 2022.

BEFORE ME  
APPUN-ENCHIL  
Judiciary  
Supreme Court  
Ex. Inst. 13/199  
H.C. 4  
Commissioner for Oaths  
Page 5 of 6

FOR SERVICE ON THE ATTORNEY-GENERAL, WHOSE ADDRESS OF SERVICE IS:

Attorney-General's Department,  
Ministries, Accra.

# Exhibit "OMB2"

IN THE DISTRICT COURT OF JUSTICE  
ASHAIMAN-AD 2022.

CC10/15/2022

IN THE MATTER OF AN APPLICATION FOR AN ORDER FOR SEARCH WARRANT

UNDER

ARTICLE 18 (2) OF THE 1992 CONSTITUTION, AND SECTION 88 OF THE  
CRIMINAL AND OTHER OFFENCES (PROCEDURE) ACT, 1960 (ACT 130)

AND

THE REPUBLIC

VRS.

OLIVER MAWUSE BARKER VORMAWOR

(SGD)  
H/HT ELEANOR KAKRA BARNES  
BOICHWAY (MRS.)  
CIRCUIT COURT JUDGE

ORDER FOR SEARCH WARRANT

Handwritten: OMB2  
Stamp: RECEIVED No. 19/10/2022  
Stamp: APPROVED FOR OATHS F M A

UPON READING the affidavit of DETECTIVE CORPORAL MARK  
OWUSE of the Ashaiman District CID. Applicant herein filed on the 17<sup>th</sup> day of  
February, 2022 in support of Motion Ex Parte for an Order for grant of search  
warrant to go in and search Samsung mobile phone with IMEI  
35180-38-078296-7 and 358582-39-078296-4.

AND UPON FURTHER HEARING CHIEF INSPECTOR PATRICK  
AYENSI, the Prosecution Officer herein.

IT IS HEREBY ORDERED that a search warrant be issued for search to be  
conducted on the said Samsung Mobile Phone IMEI 35180-38-078296-7 and  
358582-39-078296-4 belonging to the accused person to enable the Police retrieve  
evidence of fruit or crime concerning the allegation.

IT IS FURTHER ORDERED that the accused person provide or give access to  
the said Samsung mobile phone by unlocking the said phone.



GIVEN UNDER MY HAND AND THE SEAL OF  
THE DISTRICT COURT, ASHAIMAN  
THIS 17<sup>TH</sup> DAY OF FEBRUARY, 2021.

(SGD)  
HANNAH SAMPSON  
REGISTRAR

March 3, 2022

## Exhibit "OMB3"

Our Ref: BAR/L/03/2022  
Your Ref:

THE INSPECTOR-GENERAL  
GHANA POLICE SERVICE  
NATIONAL HEADQUARTERS  
RING ROAD EAST, CANTONMENT  
ACCRA.

THROUGH:

THE COMMANDER  
ASHAIMAN DISTRICT POLICE STATION  
ASHAIMAN, GREATER ACCRA.

EXHIBIT No OMB3  
AT 10-03-2022  
DATE 10-03-2022  
T APPUH - ENCHIL  
COMM. FOR QATHS  
T E M A

DEAR SIR,

PRETRIAL DETENTION:  
OLIVER MAWUSE BARKER-VORMAWOR:  
RE: ORDER FOR SEARCH WARRANT

I bring you warm compliments from the Committee of Partners at  
*Prætorium Solicitors*.

1. We wish to acknowledge receipt of a Court Order which was given by and under the hand of HER HONOUR MRS ELEANOR KAKRA BARNES-BOTCHWAY and dated February 17, 2022.
2. The Order has, for the purposes of the ongoing investigation, directed MR OLIVER MAWUSE BARKER-VORMAWOR, to unlock his mobile phone, which is currently in the custody or possession of the police, for a search.
3. We will be most grateful if you could arrange for the unlocking of the phone to be done and the search conducted in the presence of MR BARKER-VORMAWOR and his counsel.



4. Considering that MR BARKER-VORNWOR is not at large, we wish to, in the interest of his right to fair hearing and fair trial, implore you to use your good offices to guarantee that such court warrants or orders are not applied for or obtained on his blindside going forward.
5. Please let us know if you need further assistance from us on this.

Thank you.

Very truly yours,



JUSTICE SREM-SAL, ESQ.  
Solicitor's Licence No: eBAR/00697/22  
*Partner*

Cc: The Attorney-General