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| AFRICAN UNION |  | UNION AFRICAINE |
| الاتحاد الأفريقي | | UNIÃO AFRICANA |
| AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES | | |

APPLICATION NO.006/2023

ISAAC ALORMENU

V.

THE REPUBLIC OF THE GHANA

CASE SUMMARY

I. THE PARTIES

1. Isaac Alormenu (Hereinafter referred to as the Applicant”), is a national of the Republic of Ghana who was previously employed by the Public Corporation-GHANA Cocoa Board. He alleges the violation of his right to work as a result of the proceedings in the national courts.
2. The Respondent State became a Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 1 June 1989 and to the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (hereinafter referred as to “the Protocol”) on 16 August 2005. Furthermore, the Respondent State deposited the Declaration prescribed under Article 34(6) of the Protocol on 10 March 2011.

II. SUBJECT OF THE APPLICATION

a) Facts of the matter

3. It appears from the record that the Applicant was employed by Cocoa Board in 1995 as an Accounts Clerk Grade II and promoted later in 2010 to a Deputy Accounts Manager with approval of Board of Directors and in 2014, he became the Accounts Manager of the Seed Production Division (SPD), of the Cocoa Board now Seed Production Unit.
4. He alleges that his employment was terminated by the Chief Executive Officer, who had no power to do so and also without the approval of the Board of Directors, which is contrary to the Statute and Laws, Furthermore, the Applicant alleges that his termination was consequently without jurisdiction, and nullity.
5. The Applicant states that having exhausted the internal grievance procedures, he appealed to the High Court, which rendered judgement in favour of the

Respondent State on 30 January 2020. The Applicant filed a Notice of Appeal against the High Court's Judgement at the Court of Appeal, and the Court of Appeal delivered its judgement in favour of the Applicant on 29 July 2021.

6. The Applicant further states that, On 24 August 2021, the Respondent filed a Notice of Appeal against the Court of Appeal's judgement at the Supreme Court, and on 8 February 2023, the Supreme Court delivered its judgement in favour of the Respondent.
7. The Applicant states that, still being dissatisfied with the Supreme Court's decision, he filed a Motion for Review of the Supreme Court's judgement. On 24 May 2023, the Applicant's counsel sought leave to withdraw the application and be refiled, however the Supreme Court granted leave to withdraw the application but ordered that the said application should not be refiled.

b) Alleged Violations

8. The Applicant alleges the following:
 - i. Violation of equality before the law, equal protection of the law and non-discrimination under articles 17, 23 and 296(a) and (b) of the 1992 Constitution of Ghana and Section 87(1) of the Labour Law, 2003 (Act 651) of Ghana as well as Articles 2, 3(1), (2) and 28 of the Protocol to the African Charter on Human and Peoples Rights.
 - ii. Violation of right to access information for proper preparations of his defence under Articles 19(2)(e) and 21(1)(f) of the 1992 Constitution of the Ghana and Article 9(1) in conjunction with Article 7(1)(c) of the African Charter.
 - iii. Violation of right to work and human dignity under Articles 12, 15(1) and 297(a) of the 1992 Constitution of the Republic of Ghana, Section 16(8) of Ghana Cocoa Board Law, 1984 (PNDCL 81) and Articles 5 and 15 of the African Charter.

III. PRAYERS OF THE APPLICANT

9. The Applicants pray the Court for:

- i. Find that it has jurisdiction.
- ii. Declare the Application admissible.
- iii. Find and declare that the alleged violations are founded.
- iv. Find that the Respondent State violated the Applicant's right to equal protection and non-discrimination guaranteed by Article 17,23,296(a)(b) of the 1992 Constitution of the Republic of Ghana, Section 87(1) of the Labour Law 2003(Act 651) and Article 2 and 3 of the Charter.
- v. To find that the Respondent violated Applicant's right access to information and the right to defend himself guaranteed by Article 21(1)(f) of the 1992 Constitution, Section 9(f) of the labour Law ,2003(Act 651) and Article 7(1)(c) and 9(1) of the Charter.
- vi. To find that the Respondent violated the Applicant's right to work and right to his dignity guaranteed under Article 15(1),297(a) of the 1992 Constitution of Ghana, Section 16(8) of Ghana Cocoa Board Law ,1984(PNDCL 81) and Articles 5 and 15 of the African Charter.
- vii. Order the Respondent to reinstate him in his previous position at Seed Production Division and accord him with all the promotions he would have benefited had his appointment not terminated and also may pay him all his emoluments and other benefits from termination date or make payment in lieu of reinstatement in the sum of GHC27, 141161.00 (Twenty-seven Million, One hundred and Forty-one Thousand, One hundred and Sixty-One Ghana Cedis).
- viii. The Respondent to pay the Applicant all salaries, emoluments and other benefits withheld from him from the date of termination 2nd December, 2015 to 30th June, 2016 in sum of GHC 160,258.00(One Hundred and Sixty Thousand, Two Hundred and Fifty-Eight Ghana Cedis).
- ix. To order the Respondent to pay him Twenty Million Ghana Cedis (C20,000,000.00) as a reparation for prejudice he suffered caused by the Respondent's violations.
- x. Order the Respondent to pay him Ten Million Ghana Cedis (GHC 10,000,000.00) as reparation for moral prejudice suffered by his wife.
- xi. Order the Respondent to pay him Five Million, Ghana Cedis (GHC5, 000,000.00) for each of his two (2) children as reparation for the moral prejudice they suffered.

- xii. Order the Respondent, on production of actual receipts, to pay him medical expenses incurred on himself, his wife and two children from termination date which would have been paid by the Respondent had his appointment not unlawfully terminated.
- xiii. To order the Respondent, on production of actual receipts, pay him all legal costs incurred in seeking justice from the High Court to the Supreme Court.