

**IN THE JUDICIAL COMMITTEE
ASHANTI REGIONAL HOUSE OF CHIEFS
KUMASI - ASHANTI**

NANA AMA SERWAA NYARKO
(PARAMOUNT QUEEN MOTHER OF OFFINSO)
QUEEN'S PALACE - OFFINSO/ASH.

SUIT NO.
)
)
) PETITIONER

VERSUS

1. NANA KWAKU AMOAKO POKU
(also known as NANA DWAMENA AKENTEN II)
2. NANA KWAKU DUAH
3. NANA OSEI BOATENG YENTUMI
4. NANA KWAKU TABI II
5. NANA KWAME POKU
ALL OF OFFINSO/ASHANTI

FILED ON 02-09-2024
AT 3:18 P.M.
for REGISTRAR
ASHANTI REGION
HOUSE OF CHIEFS - KUMASI

) RESPONDENTS

PETITION

- TO:
 1. NANA KWAKU AMOAKO POKU
(also known as NANA DWAMENA AKENTEN II)
 2. NANA KWAKU DUAH
 3. NANA OSEI BOATENG YENTUMI
 4. NANA KWAKU TABI II
 5. NANA KWAME POKU
ALL OF OFFINSO/ASHANTI

You are hereby commanded to attend before the Judicial Committee of ASHANTI REGIONAL HOUSE OF CHIEFS at KUMASI - ASHANTI on (Date day) the P be day of fixed 2024 at the hour of noon, to answer a claim by **NANA AMA SERWAA NYARKO** (Petitioner) herein against you.

The Petitioner's claim: -

- (a) A declaration that the enstoolment of the 1st Respondent as Offinsohene violates customary and statutory/legislative procedure for the enstoolment/installation of a Chief in an Akan Community and the Offinso State in particular and that the said enstoolment of the 1st Respondent is a nullity.
- (b) An Order of perpetual injunction restraining the 1st Respondent from carrying himself out as Offinsohene or Paramount Chief of Offinso Traditional Area and/or performing customary or statutory duties in a capacity as a Chief of Offinso (Offinsohene).

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- (c) A declaration that Dr. Kofi Koduah Sarpong has been properly nominated and elected to occupy the Offinso Paramount Stool.
- (d) An Order of the Judicial Committee compelling the 2nd, 3rd, 4th and 5th Respondent to perform a swearing-in event whereupon Dr. Kofi Koduah Sarpong shall swear the oath of Office to the Offinso Stool Kingmakers and people of Offinso after which the Kingmakers shall swear the Oath of Allegiance to him as Offinsohene to consummate the enstoolment/installation process.
- (e) A declaration that any process carried out by the Respondents to enstool any individual as **Offinsohemaa** is null and void.
- (f) Cost.
- (g) Any other Order(s) as the Judicial Committee may deem fit.

DATED AT "DOMINION" CHAMBERS, ADUM/KSI. THIS 20TH DAY OF AUG., 2024.



BENJAMIN OSEI BOATENG, ESQ.
LAWYER FOR PETITIONER
LICENCE NO.: eASH03263/24
CH.REG. ePP00077/24
TIN: 000545493X

THE REGISTRAR
THE JUDICIAL COMMITTEE
ASHANTI REGIONAL HOUSE OF CHIEFS
KUMASI – ASHANTI

AND TO EACH OF THE RESPONDENTS HEREIN:

1. NANA KWAKU AMOAKO POKU
(also known as NANA DWAMENA AKENTEN II)
 2. NANA KWAKU DUAH
 3. NANA OSEI BOATENG YENTUMI
 4. NANA KWAKU TABI II
 5. NANA KWAME POKU
- ALL OF OFFINSO/ASHANTI

4. **NAMES AND ADDRESSES OF ALL PARTIES WHO MAY BE DIRECTLY AFFECTED BY THE ACTION**

- (a) NANA AMOAKO POKU
(Also known as NANA DWAMENA AKENTEN II)
OFFINSO PALACE, OFFINSO
- (b) NANA KWAKU DUAH, Dentihene's Palace Offinso
- (c) NANA OSEI BOATENG YENTUMI; Boasohene's Palace,
Offinso.
- (d) NANA KWAKU TABI II, Twumasenghene's Palace, Offinso
- (e) NANA KWAME POKU, Offinso Old Town.

5. **NAMES AND PARTICULARS OF WITNESSES, IF ANY, WHOM PETITIONER'S INTEND TO CALL AT THE HEARING:**

- (a) DR. KOFI KODUAH SARPONG
- (b) ISAAC KWADWO BOATENG
- (c) OKYEAME KWAKU WIAFE
- (d) ABUSUAPANIN ATTA KWABENA
- (e) OPANIN AKWASI AMO

WHEREAS: the Petitioners have every reason to believe and can prove that the following facts are true:

1. That the Petitioner is the Queen mother of the Offinso Paramount Stool.
2. That the Petitioner has not customarily nominated the 1st Respondent to the Kingmakers of Offinso to be enstooled or installed as Offinsohene or Paramount Chief of Offinso yet he has forcibly occupied the Offinso Palace and carry himself as Offinsohene under the name and style Nana Dwamena Akenten II.
3. That the 2nd to 5th Respondents are all Kingmakers to the Offinso Stool and also occupy the following traditional positions under the Offinso Stool: 2nd Respondent – Nifahene; 3rd Respondent – Benkumhene; 4th Respondent – Gyaaschene; and 5th Respondent – Akyeamehene.

4. That Offinso Royal family originated from the Asona Clan which has two (2) main branches, namely: Akonkodiase and Ahyerem families.
5. That by the custom of Offinso any eligible candidate to the Offinso Stool must be a member of any of the families aforementioned in the immediate preceding paragraph.
6. That by the established custom of Offinso Stool, a prospective candidate to the Offinso Stool should express his interest by petitioning for the Stool through a Paramount Chief. The Paramount Chief petitioned by the candidate and the candidate's head of family would lead the prospective candidate to the Queenmother of Offinso Paramountcy.
7. That if more than one (1) candidate express interest to occupy the Offinso Stool through the process indicated supra then the Queenmother of Offinso chooses or nominates one of the candidates as her preferred choice.
8. That the Queenmother shall upon making her nomination presents the candidate to the Gyaasehene of Offinso Stool who also in turn present's the candidate to the Krontihene of Offinso. The Krontihene then calls a meeting of all the Kingmakers to consider the nominee of the Queenmother for his selection/election to occupy the Offinso Stool. When the Kingmakers satisfy themselves that the Candidate qualifies to occupy the Stool they would confirm the nomination of the Queenmother and take the necessary customarily steps to conclude the enstoolment or the installation of the Candidate as the Paramount Chief of Offinso.
9. That upon the demise of Nana Wiafe Akenten III, his "Doteyie" (burial rites) was performed after which the Petitioner herein opened nomination for any Royal of Offinso Stool who is willing to occupy the Offinso Stool to express his interest to her through the customary process outlined supra.
10. That further to the immediate preceding paragraph the Queenmother received request from eighteen (18) candidates.

11. That the 1st Respondent never expressed his interest to occupy the Offinso Stool before and even after the close of the period stated for the royals to express their interest to occupy the Offinso Stool.
12. That at the end of the period for expression of interest by the prospective Candidates to the Offinso Stool; the Petitioner chose or nominated Dr. Kofi Koduah Sarpong as her preferred candidate and presented him to the 4th Respondent, the Gyaasehene to continue with the enstoolment process in accordance with the established custom of Offinso.
13. That the 4th Respondent also presented the royal nominee Dr. Kofi Koduah Sarpong to the Krontihene Nana Baffour Osei Kuffour who also inturn presented him to the whole of the Kingmakers for their consideration and selection/election.
14. That the Kingmakers including the 2nd to 5th Respondents' satisfied themselves that Dr. Kofi Koduah Sarpong was qualified to occupy or ascend to the Offinso Paramount Stool and so confirmed the choice of the Queenmother.
15. That Dr. Kofi Koduah Sarpong to performed the necessary custom by paying *aseda* upon his slection as Chief elect to occupy the Offinso Paramount Stool . Dr. Kofi Koduah Sarpong was thereafter customarily confined in preparation for his swearing-in ceremony where he would swear oath of allegiance to the Kingmakers and the people of Offinso, thus the Offinso State after which the Kingmakers would also swear the oath of allegiance to him to seal or conclude the enstoolment process.
16. That prior to the event indicated in the immediate preceeding paragraph, the Kingmakers and the Petitioner informed the Asantehene, His Royal Majesty about the selection of Dr. Kofi Koduah Sarpong by the Kingmakers as Offinsohene elect so that he is not taken unaware of the said enstoolment.
17. That when the Kingmakers and the Petitioner had the opportunity to meet the Otumfuo to inform him of the intended enstoolment of Dr. Kofi Koduah Sarpong as the Offinsohene, the Otumfuo Asantehene indicated that he had received Petitions against the choice of the Queenmother, Dr. Kofi Koduah Sarpong and thus advised the Petitioner and the 2nd to the 5th Respondents to hold on with further enstoolment event pending the consideration of the said petitions.


18. That by custom, those Petitioners before the Otumfuo Asantehene had no cause of action against the Petitioner herein who is the sole individual with the right to nominate a Chief for the consideration and election/selection by the Kingmakers which she had done so and her choice confirmed by the Kingmakers without objection from any individual or quarters.
19. That notwithstanding the stage of the enstoolment the Petitioner's Nominee, the Otumfuo Asantehene, decided to go into the Petitions by forming a Committee to inquire into the qualification of Dr. Kofi Koduah Sarpong to ascend to the Offinso Stool.
20. That the Committee by majority decision ruled in favour of Dr. Kofi Koduah Sarpong and further vote of 21 to 5 of the whole of the Asanteman Council went in favour of Dr. Kofi Koduah Sarpong that he was qualified to ascend to the Offinso Stool.
21. That after the Asanteman Council did not sustain the Petitions after overwhelmingly voting for Dr. Kofi Koduah Sarpong, the Petitioner and the Kingmakers decided to take steps to continue the enstoolment process but they were ordered by the Otumfuo Asantehene to halt the process of enstoolment until further notice which they complied to show reverence to the Otumfuo Asantehene.
22. That the Petitioner says that without recourse to her, a combined Police and Military team besieged the Offinso township and the Palace to prevent the enstoolment of Dr. Kofi Koduah Sarpong as Offinsohene.
23. That without recourse to the Petitioner, the 2nd to 5th Respondents subsequently enstooled the 1st Respondent in the presence of heavy armed military personnel to guard such uncustomary and unlawful event.
24. That when secret preparation was on - going to uncustomarily enstool the 1st Respondent by the 2nd, 3rd, 4ths and the 5th Respondents, two (2) Royals of the Offinso Stool, namely: Abusuapanin Akwasi Amo and Opanin Robert Ahenkan who had the grapevine information about the secret intentions of the Respondents herein, presented a Petition to the Registry of the Ashanti Regional House of Chiefs for filing on the 3rd November, 2023.

25. That the immediate preceding paragraph is repeated and the Petitioner says that for no just cause, the Registrar of the Ashanti Regional House of Chiefs openly refused to file the Petition until he was ordered by Mandamus granted by the High Court, Kumasi dated 30th January, 2024 and thus filed the Petition on the 31st January, 2024.
26. That the 1st Respondent purported enstoolment as Offinsohene could not be lawfully restrained by the Royals aforementioned who had knowledge of it owing to the unreasonable and illegal refusal by the Registrar of the Ashanti Regional House of Chiefs
27. The Petitioner says that the enstoolment of the 1st Respondent by the 2nd to 5th Respondents was against the customs of Offinso for the following reasons: -
 - (a) *The 1st Respondent did not express his interest to occupy the Offinso Stool to the Petitioner.*
 - (b) *The 1st Respondent was not nominated by the Queenmother of the Offinso Stool, the Petitioner herein.*
 - (c) *The 1st Respondent was enstooled by the 2nd, 3rd, 4th and 5th Respondents at the time the nomination and selection of Dr. Kofi Koduah Sarpong by these same Kingmakers was in force pending the final customary rites to seal the enstoolment.*
28. That by his purported enstoolment as Offinsohene, the 1st Respondent carries himself to the public as Offinsohene and has forcibly occupied the Offinso Palace and sits in-council with the rest of the Respondents herein.
29. That on the 11th of August, 2024, the 1st Respondent summoned the principal elders of the two royal families and informed them about his intention to install a new Queenmother of Offinso.
30. That the Petitioner has never been destooled as the Queenmother of Offinso and she is not a Party to any pending destoolment proceedings.

31. That the Petitioner says that the 1st Respondent is not a validly enstooled Offinsohene and thus has no capacity to even prefer charges for her destoolment let alone enstools another Queenmother to replace her.
32. That by the purported enstoolment of the 1st Respondent as Offinsohene, he has engaged in sale of lands, creating new Stools and dissipating Offinso State funds.
33. That the enstoolment of the 1st Respondent by the 2nd, 3rd, 4th and 5th Respondents as Offinsohene and his subsequent actions as Offinsohene is against all known and established custom of Offinso, legislation governing chieftaincy in Ghana and the rule of law.
34. WHEREFORE the Petitioner claim against the Respondents herein for the following reliefs: -
 - (a) *A declaration that the enstoolment of the 1st Respondent as Offinsohene violates customary and statutory/legislative procedure for the enstoolment/installation of a Chief in an Akan Community and the Offinso State in particular and that the said enstoolment of the 1st Respondent is a nullity.*
 - (b) *An Order of perpetual injunction restraining the 1st Respondent from carrying himself out as Offinsohene or Paramount Chief of Offinso Traditional Area and/or performing customary or statutory duties in a capacity as a Chief of Offinso (Offinsohene).*
 - (c) *A declaration that Dr. Kofi Koduah Sarpong has been properly nominated and elected to occupy the Offinso Paramount Stool.*
 - (d) *An Order of the Judicial Committee compelling the 2nd, 3rd, 4th and 5th Respondent to perform a swearing-in event whereupon Dr. Kofi Koduah Sarpong shall swear the oath of Office to the Offinso Stool Kingmakers and people of Offinso after which the Kingmakers shall swear the Oath of Allegiance to him as Offinsohene to consummate the enstoolment/installation process.*
 - (e) *A declaration that any process carried out by the Respondents to enstool any individual as **Offinsohema** is null and void.*
 - (f) *Cost.*

(g) Any other Order(s) as the Judicial Committee may deem fit.

DATED AT "DOMINION" CHAMBERS, ADUM/KSI. THIS 20TH DAY OF AUG., 2024.



BENJAMIN OSEI - BOATENG, ESQ.
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