

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA
A.D. 2025

16/10/2025
10:30 am/pm
Registrar
HIGH COURT, ACCRA

SUIT NO.

IN THE MATTER OF AN APPLICATION BY HER LADYSHIP JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO INVOKING THE SUPERVISORY JURISDICTION OF THE HIGH COURT

AND

IN THE MATTER OF:

THE REPUBLIC

v.

ATTORNEY-GENERAL



RESPONDENT

EXPARTE:

JUSTICE GERTRUDE ARABA

ESAABA SACKY TORKORNOO

APPLICANT

Chief Justice's Residence
Cantonments, Accra

NOTICE OF MOTION
APPLICATION FOR JUDICIAL REVIEW
ARTICLES 23, 141 AND 296 OF THE 1992 CONSTITUTION OF GHANA AND
ORDER 55 OF C.I 47

PLEASE TAKE NOTICE that this Honorable Court shall be moved by Counsel for and on behalf of the Applicant herein in an application for judicial review praying for the following reliefs;

- a. An order of certiorari bringing up into this court for the purpose of being quashed and for quashing, the proceedings of the 15th of May 2025 and the entire proceedings and outcomes of the Article 146 set up to consider petitions to remove the Applicant chaired by Pwamang JSC ("Pwamang Committee" or "Committee").
- b. An order of certiorari bringing up into this court for the purpose of being quashed and for quashing, each and all of the three reasons/grounds given by the Pwamang Committee for recommending the removal of the Applicant from office as Chief Justice as stated in the letter of the Secretary to the President dated 1st September 2025.
- c. An order of certiorari bringing up into this court for the purpose of being quashed and for quashing the Presidential Warrant dated September 1, 2025 removing Her Ladyship Justice Gertrude Araba Esaaba Torkornoo from office as Chief Justice and Justice of the Supreme Court of the Republic of Ghana.
- d. An order prohibiting the consideration and appointment of a new substantive Chief Justice of Ghana.

- e. An order prohibiting the denial or withdrawal of the salary, benefit, courtesies and other entitlements due to the Applicant before the Warrant of Removal dated the 1st of September, 2025.
- f. Any other relief(s) the Honourable Court may deem fit to make,

UPON GROUNDS set out in the accompanying affidavit **and as set out as below:**

- i. That all of the alleged findings and grounds for recommendations of the Committee set up by the President under Article 146 (6) and (7) of the 1992 Constitution to inquire into and make recommendations in respect of the petitions for the removal of the Applicant as Chief Justice of the Republic and chaired by Pwamang JSC (the Pwamang Committee or the Committee), do not meet, even remotely, the standard of 'stated misconduct, incompetence or infirmity on ground of *inability to perform the functions of office*' imposed by Article 146 (1) of the 1992 Constitution as the only constitutional reasons that can lead to the removal of the Chief Justice. or Justice of Superior Courts from office.
- ii. The findings and recommendations of the Committee set up by the President under Article 146 (6) and (7) of the 1992 Constitution to inquire into and make recommendations in respect of the petitions for the removal of the Applicant as Chief Justice of the Republic and chaired by Pwamang JSC, blatantly violate relevant provisions of the 1992 Constitution and are therefore unconstitutional and illegal.
- iii. The first alleged finding and recommendation of the Pwamang Committee, is false, misleading, irrational, unreasonable and illegal on account of purporting to find 'misconduct' of the Chief Justice for expenditure that has not been disallowed against the Chief Justice, nor the Chief Justice surcharged for it by the Auditor General in the Audited Accounts of the Judiciary and Judicial Service for the year 2023 pursuant to Article 187 (7) of the 1992 Constitution.
- iv. The first alleged finding and recommendation of the Pwamang Committee is false and misleading, irrational, unreasonable and unfair on account of purporting to find 'stated misconduct' of the Chief Justice for expenditure that was not authorized or administered by the Chief Justice,
- v. The first alleged finding and recommendation for removal by the Pwamang Committee constitutes an abuse of the power given to the Committee, being unfair, unreasonable, illogical, irrational, perverse and absurd and therefore unconstitutional and illegal, on account of purporting to find misconduct by the Chief Justice when the legitimate expenses on the Chief Justices vacation were administered and authorized by the Judicial Secretary, the Director of Finance, Director of Budget, and the Director of Audit of the Judicial Service who are the duly authorized officers that have administered the Travel Policy of the Judicial Service set by the Judicial Council for Chief Justices and Superior Court Justices since 2010.

- vi. The findings and recommendations of the said Committee constitute an abuse of power and are therefore unfair and illegal and breach the legitimate expectation raised in the Applicant by the terms of appointment of the Applicant as Chief Justice of the Republic, the Travel Policy for the Chief Justice and Superior Court Justices, set by the Judicial Council since 2010 and the practice of the Judicial Service since 2010.
- vii. The second finding and recommendation of the said Committee constitutes an abuse of the power given to the Committee and is unfair, unreasonable, perverse and absurd, and unconstitutional and illegal, as it purports to 'find misconduct' in the Chief Justice's exercise of the legitimate obligation placed on the Applicant by Article 125 (4) as head of administration and supervision of the Judiciary and Judicial Service which obligation makes the Chief Justice responsible for transferring all Judges, including Superior Court Justices, and Judicial Officers of the Judicial Service.
- viii. The third finding and recommendation of the Pwamang Committee constitutes an abuse of the power given to the Committee and is unfair, unreasonable, perverse and absurd and unconstitutional and illegal, as it purports to 'find misconduct' in the Chief Justice's exercise of the legitimate obligation placed on the Applicant by Article 125 (4) as head of administration and supervision of the Judiciary and Judicial Service which obligation makes the Chief Justice responsible for recommending Justices for national and international placements and appointments.
- ix. The third finding and recommendation of the said Committee constitutes an abuse of power given to the Committee and is unfair, unreasonable, perverse and absurd and illegal, as it purports to 'find misconduct' in the Chief Justice's legitimate exercise of the established convention that mandates the Chief Justice as one of three constituencies responsible for recommending Judges and lawyers for promotion on the Bench, along with the Ghana Bar Association and Attorney General of Ghana.
- x. The findings and recommendations of the said Committee are unfair, constitute an abuse of power and therefore illegal, as they breach the legitimate expectation raised in the Applicant by the established convention that recognizes the Chief Justice as one of three constituencies responsible for recommending Judges for promotion
- xi. The three alleged findings and recommendations for removing the Chief Justice from office by the Pwamang Committee are false, misleading, irrational, absurd and perverse in the *Wednesbury* sense.
- xii. The entire findings and grounds of the said Pwamang Committee for removal of the Chief Justice from office are in violation of the Applicant's Constitutional rights contained in Article 19(13) and 23 of the Constitutional rights.
- xiii. The Proceedings of the Committee violated Articles 23, 296, 146(3), 146(7) 280(1) and 295 of the Constitution and are therefore illegal, void and of no effect,

having been conducted in breach of the rules of natural justice and as adversarial proceedings under C.I.47 instead of an impartial inquiry.

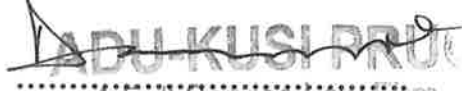
- xiv. The entire proceedings of the said Committee were conducted with substantive and fundamental procedural irregularities and unfairness that render the findings and recommendations a nullity.

 **DATE TO BE FIXED**
COURT to be moved on the day of 2025, at 9 o'clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

NAMES AND ADDRESSES OF PERSONS DIRECTLY AFFECTED BY THE APPLICATION:

1. The President of the Republic.
Office of the President,
Jubilee House, Accra
2. The Attorney-General
Office of the Attorney General and Ministry of Justice
Ministries, Accra

DATED AT ADU-KUSI PRUC ACCRA, THIS DAY OF OCTOBER, 2025.


ADU-KUSI PRUC
A Full Service Law Firm
LAWYERS FOR APPLICANT
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THE REGISTRAR

HIGH COURT
ACCRA

AND FOR SERVICE ON THE ABOVE-NAMED RESPONDENTS

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
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ATTORNEY-GENERAL
Office of the Attorney- General
Law House Accra



RESPONDENT

EXPARTE:
JUSTICE GERTRUDE ARABA

ESAABA TORKORNOO

APPLICANT

Chief Justice's Residence, Cantonments, Accra

AFFIDAVIT IN SUPPORT OF APPLICATION FOR JUDICIAL REVIEW

I Justice **Gertrude Araba Esaaba Sackey Torkornoo**, of Cantonments, Accra make oath and say as follows:

1. That I am the Applicant and deponent hereto.
2. That my full name, description and address for service are:
 - a. Justice **Gertrude Araba Esaaba Sackey Torkornoo**
 - b. Justice of the Superior Courts of Judicature – 2004 to date; appointed Chief Justice of the Republic of Ghana on 12th June 2023
 - c. Chief Justice's Residence, Cantonments, Accra
3. That I make all depositions in this affidavit which are based on law or are legal in nature, on the bases of personal knowledge and advice I have received from my lawyers, which advice I believe same to be true.



4. The reliefs prayed for by the Applicant in this Application are as follows;
- a. An order of certiorari bringing up into this court for the purpose of being quashed and for quashing, the proceedings of the 15th of May 2025 and the entire proceedings and outcomes of the Article 146 set up to consider petitions to remove the Applicant chaired by Pwamang JSC (“**Pwamang Committee**” or “**Committee**”).
 - b. An order of certiorari bringing up into this court for the purpose of being quashed and for quashing, each and all of the three reasons/grounds given by the Pwamang Committee for recommending the removal of the Applicant from office as Chief Justice as stated in the letter of the Secretary to the President dated 1st September 2025.
 - c. An order of certiorari bringing up into this court for the purpose of being quashed and for quashing the Presidential Warrant dated 1st September, 2025 removing Her Ladyship Justice Gertrude Araba Esaaba Torkornoo from office as Chief Justice and Justice of the Supreme Court of the Republic of Ghana.
 - d. An order prohibiting the consideration and appointment of a new substantive Chief Justice of Ghana.
 - e. An order prohibiting the denial or withdrawal of the salary, benefit, courtesies and other entitlements due to the Applicant before the Warrant of Removal dated the 1st of September, 2025.
 - f. Any other relief(s) the Honourable Court may deem fit to make,

Grounds of Application

5. The grounds of this application are as follows;
- i. That all of the alleged findings and grounds for recommendations of the Committee set up by the President under Article 146 (6) and (7) of the 1992 Constitution to inquire into and make recommendations in respect of the petitions for the removal of the Applicant as Chief Justice of the Republic and chaired by Pwamang JSC (the Pwamang Committee or the Committee), do not meet, even remotely, the standard of ‘stated misconduct, incompetence or infirmity on ground of *inability to perform the functions of office*’ imposed by Article 146 (1) of the 1992 Constitution as the only constitutional reasons that can lead to the removal of the Chief Justice. or Justice of Superior Courts from office.
 - ii. The findings and recommendations of the Committee set up by the President under Article 146 (6) and (7) of the 1992 Constitution to inquire into and make recommendations in respect of the petitions for the removal of the Applicant as Chief Justice of the Republic and chaired by Pwamang JSC, blatantly violate relevant provisions of the 1992 Constitution and are therefore unconstitutional and illegal.

- iii. The first alleged finding and recommendation of the Pwamang Committee, is false, misleading, irrational, unreasonable and illegal on account of purporting to find 'misconduct' of the Chief Justice for expenditure that has not been disallowed against the Chief Justice, nor the Chief Justice surcharged for it by the Auditor General in the Audited Accounts of the Judiciary and Judicial Service for the year 2023 pursuant to Article 187 (7) of the 1992 Constitution.
- iv. The first alleged finding and recommendation of the Pwamang Committee is false and misleading, irrational, unreasonable and unfair on account of purporting to find 'stated misconduct' of the Chief Justice for expenditure that was not authorized or administered by the Chief Justice,
- v. The first alleged finding and recommendation for removal by the Pwamang Committee constitutes an abuse of the power given to the Committee, being unfair, unreasonable, illogical, irrational, perverse and absurd and therefore unconstitutional and illegal, on account of purporting to find misconduct by the Chief Justice when the legitimate expenses on the Chief Justices vacation were administered and authorized by the Judicial Secretary, the Director of Finance, Director of Budget, and the Director of Audit of the Judicial Service who are the duly authorized officers that have administered the Travel Policy of the Judicial Service set by the Judicial Council for Chief Justices and Superior Court Justices since 2010.
- vi. The findings and recommendations of the said Committee constitute an abuse of power and are therefore unfair and illegal and breach the legitimate expectation raised in the Applicant by the terms of appointment of the Applicant as Chief Justice of the Republic, the Travel Policy for the Chief Justice and Superior Court Justices, set by the Judicial Council since 2010 and the practice of the Judicial Service since 2010.
- vii. The second finding and recommendation of the said Committee constitutes an abuse of the power given to the Committee and is unfair, unreasonable, perverse and absurd, and unconstitutional and illegal, as it purports to 'find misconduct' in the Chief Justice's exercise of the legitimate obligation placed on the Applicant by Article 125 (4) as head of administration and supervision of the Judiciary and Judicial Service which obligation makes the Chief Justice responsible for transferring all Judges, including Superior Court Justices, and Judicial Officers of the Judicial Service.
- viii. The third finding and recommendation of the Pwamang Committee constitutes an abuse of the power given to the Committee and is unfair, unreasonable, perverse and absurd and unconstitutional and illegal, as it purports to 'find misconduct' in the Chief Justice's exercise of the legitimate obligation placed on the Applicant by Article 125 (4) as head of administration and supervision of the Judiciary and Judicial Service which obligation makes the Chief Justice responsible for recommending Justices for national and international placements and appointments.
- ix. The third finding and recommendation of the said Committee constitutes an abuse of power given to the Committee and is unfair, unreasonable, perverse and absurd

and illegal, as it purports to 'find misconduct' in the Chief Justice's legitimate exercise of the established convention that mandates the Chief Justice as one of three constituencies responsible for recommending Judges and lawyers for promotion on the Bench, along with the Ghana Bar Association and Attorney General of Ghana.

- x. The findings and recommendations of the said Committee are unfair, constitute an abuse of power and therefore illegal, as they breach the legitimate expectation raised in the Applicant by the established convention that recognizes the Chief Justice as one of three constituencies responsible for recommending Judges for promotion
 - xi. The three alleged findings and recommendations for removing the Chief Justice from office by the Pwamang Committee are false, misleading, irrational, absurd and perverse in the *Wednesbury* sense.
 - xii. The entire findings and grounds of the said Pwamang Committee for removal of the Chief Justice from office are in violation of the Applicant's Constitutional rights contained in Article 19(13) and 23 of the Constitutional rights.
 - xiii. The Proceedings of the Committee violated Articles 23, 296, 146(3), 146(7) 280(1) and 295 of the Constitution and are therefore illegal, void and of no effect, having been conducted in breach of the rules of natural justice and as adversarial proceedings under C.I.47 instead of an impartial inquiry.
 - xiv. The entire proceedings of the said Committee were conducted with substantive and fundamental procedural irregularities and unfairness that render the findings and recommendations a nullity.
6. That I was appointed to the High Court Bench in May 2004 under the Presidency of His Excellency the former President John Agyekum Kufuor. In October 2012, I was elevated as a Justice of the Court of Appeal under the first Presidency of His Excellency President John Mahama. In December 2019, I was elevated as a Justice of the Supreme Court under His Excellency the former President Nana Addo Dankwa Akufo- Addo. On the 12th June 2023, I was elevated to the Office of the Chief Justice of the Republic of Ghana. All elevations have occurred under various Presidencies on account of the quality of my work, integrity and diligence
7. As Chief Justice and head of the judiciary, I have constitutional responsibility for the administration and the supervision of the Judiciary. It was also within my constitutional remit as the person responsible for supervision of the Judiciary under Article 125 (4) to make recommendations for appointments to all levels of the Bench, and for recommending Justices for placement on international courts and committees, and national committees and tribunals. These recommendations were subject to acceptance or rejection by the appointing authority.
8. That by a press release, the Spokesperson to the President informed the public of receipt of three petitions presented for the removal from office of Chief Justice of the Republic,

and the commencement of consultations by the President with the Council of State. Attached herewith and marked as **Exhibit GST1** is a copy of the said press release.

9. That because I had hitherto not been informed of the presentation of such petitions against me, I wrote to the President for copies of the said petitions, following which the President provided me with copies. Attached herewith and marked as **Exhibit GST2A, GST2B and GST2C** are copies of the petitions respectively. With the exception of the petition by Ayamga Akolgo Esq, the other two petitions were not accompanied by a single piece of evidence to support the allegations made in the petitions.
10. That I provided responses to all the allegations and supported the responses with evidence on why none of the allegations were tenable, on account of the constitutional and statutory duties and entitlements of a Chief Justice. Attached as **Exhibits GST3** are the responses without attachments.
11. That by communication dated 22nd April, 2025, the Secretary to the President stated that a *prima facie* determination had been made by the President against me in respect of the petitions for my removal as Chief Justice of Ghana by Daniel Ofori, The Shinning Stars of Ghana and Ayamga Akolgo Esq.
12. That to date, contrary to the requirements of the 1992 Constitution and the directions of the Supreme Court I have not seen or been served with a copy of the purported *prima facie* determination made by the President and the Council of State
13. That by the same communication, the Secretary to the President indicated that the President had established a committee to inquire into the allegations against me contained in the three petitions referred to above. This Committee is referred to in this application as “the Pwamang Committee”, the Committee or “Article 146 Committee”. The following persons were indicated as members of the Committee:
 - a. **Justice Gabriel Scott Pwamang**
 - b. **Justice Samuel Kwame Adibu-Asiedu**
 - c. **Daniel Yao Domelovo**
 - d. **Major Flora Bazwaanura Dalugo**
 - e. **Professor James Sefah Dzisah**
14. That notwithstanding the failure to serve me with the constitutionally required *prima facie* determination, the Secretary to the President also communicated the President’s decision to suspend me as Chief Justice by a warrant with immediate effect. Attached herewith and marked as **Exhibits GST4 and GST5** are copies of the communication of the Secretary to the President referred to and dated 22nd April, 2025 and the Warrant of Suspension.
15. That neither the communication of the Secretary to the President nor the Warrant were accompanied by any document containing the *prima facie* determination that is constitutionally required for the setting up of an Article 146 Committee and required for suspending the Chief Justice from office

16. That between 2018 and 2023, Justice Gabriel Scott Pwamang, who was named as the chairman of the Committee, had authored various Supreme Court decisions in favour of Mr. Daniel Ofori, one of the petitioners, awarding Mr. Daniel Ofori a sum of money with compound interest, after the High Court and Court of Appeal had dismissed his claims.
17. That as part of the Supreme Court, I dissented with the decisions given in favor of Daniel Ofori when I was empaneled to sit on review of this judgment and award of compound interest on the judgment debt, between 2020 and 2022. After my dissent, Mr. Ofori's lawyers applied to disqualify me from presiding on his claims for money because I had expressed the opinion that the claims were made dishonestly. His lawyers complained that I had expressed opinions on his lack of right to the money awarded him in the judgment authored by Justice Pwamang in a different case in the High Court. Since the date of that objection, I have not presided over any claim involving Mr. Daniel Ofori.
18. In 2023, a suit was commenced in the High Court by the judgment debtor to set aside the Supreme Court judgment authored by Justice Pwamang as having been obtained by fraud.
19. That it has become clear that Daniel Ofori has harbored a grudge against me for dissenting in his bid to lay claim to this judgment given in his favor and authored by Justice Pwamang.
20. That in the present petition that the Pwamang Committee heard, Daniel Ofori raised my disagreement with his claims in the Supreme Court as a ground for me to be removed as Chief Justice. Two of the complaints in Mr Ofori's petition against me were that as Chief Justice, I had arbitrarily transferred the fraud case in the High Court to a different judge. This complaint of 'arbitrary transfer' was totally false because the cases of the High Court Judge hearing the fraud case were distributed to other judges after she travelled out of Ghana for an indefinite period.
21. Included with my responses to the petition to the President were copies of records on the decisions on Mr. Daniel Ofori's cases and the travel of the High Court judge presiding over the fraud case, to show that Mr. Ofori's complaint against me were false.
22. Notwithstanding these records, the President still appointed Justice Pwamang as chair of the Committee to hear Daniel Ofori's petition.
23. It has therefore been my case from inception, in an action before the Supreme Court and in this application, that the appointment of Mr Pwamang as chair of this Article 146 Committee contravened my constitutional right to a hearing by a fair, independent and impartial adjudicating panel, and this violation of Article 19 (13), and Article 23 of the 1992 Constitution renders the proceedings culminating in the current sham, unconstitutional and contrived excuses for my removal from office as null and void.

Nullity of Proceedings between 15th May 2025 and 1st September 2025

24. That from 15th May 2025, I was subjected to the conduct of an Article 146 hearing which breached all safeguards for fair and impartial hearing of judicial proceedings under the 1992 Constitution.
25. That the Pwamang Committee failed and refused to disclose to me the content of the petitions or other documents referred to them by the President to inquire into as an independent adjudicating body.
26. The Pwamang Committee failed and refused to disclose to me the prima facie determination, if it existed, that had been allegedly given them with the petitions referred to them by the President to inquire into as an independent adjudicating body. The Committee refused to serve me with a copy of these nucleus documents that they were inquiring into, a duty required by law of any independent adjudicating body purporting to conduct proceedings under the High Court Civil Procedure Rules, 2004 CI 47.
27. That on 15th May 2025, the first day of hearing, the Article 146 Committee set rules for hearing the inquiry in the presence of my lawyer, while refusing to recognize him as my lawyer, and refusing to allow him to speak on my behalf in the proceedings, though the registry of the same Committee had served him with a hearing notice to appear for case management. That refusal to hear him and recognize him as my lawyer violated the *audi alteram partem* rule of natural justice, that demands that unless all parties who have been notified to appear before an adjudicator are heard, the proceedings are void.
28. That the Article 146 Committee also refused to allow subpoenaed witnesses from the office of the President to tender copies of the petition and records referred to the Article 146 Committee to inquire into by the President.
29. That considering that the proceedings of 15th May 2025 were foundational to the work of the Committee, and the subsequent proceedings were based on the orders and directives of the Committee given on 15th May 2025, I am advised and verily believe same to be true that the conduct of the proceedings violated the directions of Article 19 (13), Article 23 and Article 296 of the Constitution 1992 and the entire proceedings are therefore a nullity and void.
30. That on 25th August 2025, the Committee adjourned the hearing of proceedings in discharge of their mandate to hear three petitions under the one warrant issued by the President to 15th September 2025. They also acknowledged a written request for extension of time to file addresses on the Daniel Ofori petition by counsel for Applicant and verbally gave leave for the addresses to be filed as requested. Attached is a copy of the said letter to the Committee, and proceedings of 25th August 2025 exhibited hereto as **Exhibit GST6 and Exhibit GST 6B**.
31. That the direction of the Committee was that they would commence hearing of the second petition by Shinning Stars, a group that does not exist in the records of the Registrar of Companies, on 15th September 2025,

32. That on the next working day, Monday 1st September 2025, while my lawyer was filing his addresses on the Daniel Ofori petition for consideration of the Committee, my attention was drawn to live TV coverage of the Pwamang Committee purporting to present a Report to the President.
33. That no notice or information had been given to me or my lawyers that the Committee considered their work complete without a hearing of the other two petitions, or that a Report on the hearing so far was ready, since three petitions had been referred to the Committee on one warrant. Indeed, the Committee had adjourned proceedings to 15th September 2025, acknowledging to parties that the hearings as referred to the Committee, were not concluded.
34. That it is my position that having been directed to hear three petitions on one warrant, following *one purported and yet to be seen prima facie* determination of the three petitions, the Committee could not unilaterally determine that its mandate was complete and present a Report to the President after adjourning proceedings to 15th September 2025.
35. The adjournment and failure to give notice to parties of the alleged readiness of the Report itself rendered the delivery of the alleged Report a nullity. Under CI 47, the rules that the Committee claimed it was operating with, no adjudicator can purport to enter judgment or determine a matter against a party without notice to the party that a hearing is completed and judgment or determination would be entered on a particular date.
36. That in less than one hour after watching the Committee present its Report to the President on TV on 1st September 2025, the Registrar of the Article 146 Committee served me with a communication from the Secretary to the President and a Warrant of Removal from office issued by the President of the Republic of Ghana.
37. That the said warrant purported to have removed me from office as both the Chief Justice of Ghana and a Justice of the Supreme Court of Ghana on the basis of a Report and recommendations of the Pwamang Committee. The communication and the said Warrant of Removal from office are attached as **Exhibits GST 7 and GST 8**.
38. That in blatant violation of my constitutional rights to be served with the Report or Decision against me which purportedly forms the basis of depriving me of my constitutional right to hold the offices of Chief Justice and Justice of the Superior Court, and my entitlements accruing therefrom, being work done as a Judge from 2004 in the High Court, from 2012 in the Court of Appeal, from 2019 in the Supreme Court, and from 2023, also as Chief Justice, I have to date not been given a copy of the Report or Decision of the Pwamang Committee, based on which the President has purported to remove me from office.

Illegality, absurdity and perverseness of alleged grounds for my removal from office

39. That as well as the proceedings of the Committee breaching all known rules of procedure and requirement for justice delivery provided for under Article 19 (13), Article 23, and under the High Court Civil Procedure Rules CI 47, which the Committee itself set as the guiding rules for what Article 146 (7) directs to be an inquiry, the alleged reasons for recommending the removal of a Chief Justice from office violate the very dictates and requirements of the 1992 Constitution, and every known tenet of law and administration.
40. That in the Communication by the Secretary to the President, the following were purportedly quoted from the Report of the Committee as the basis for the recommendation of the Committee to remove the Chief Justice;

"[1.9]. In the opinion of the committee, the travel expenses which the Chief Justice heaped on the Judicial Service when she travelled on holidays in September 2023, first to Tanzania with her husband and second, to the United States of America with her daughter, together with the payment of per diem to the spouse and daughter of the Chief Justice, constitutes unlawful expenditure of public funds. It cannot be justified in law or policy. Those acts constitute avoidable and reckless dissipation of public funds, in the view of the committee, to have been occasioned by the overall head of the Judiciary and the Judicial Service, whose duty is to guard public resources allocated by the Government, is caught within the spectrum of stated misbehavior.

[3.4] The committee states without fear or favour that the Chief Justice unjustifiably breached the provisions in Article 296(a) and (b) of the Constitution, 1992, in the way and manner that she transferred Mr. Baiden. Her conduct amounted to misbehavior.

[6.7]. The committee is of the view that the conduct of the Respondent falls squarely in the category of conduct described as stated misbehavior under Article 146(1) of the Constitution.

[7.5] The committee is of the opinion that the action and conduct of the Chief Justice falls within the meaning and categories of stated misbehaviour as provided under Article 146(1) of the Constitution, 1992

[9.5.] ...However, the Chief Justice, qua Chief Justice, cannot lay claim to ignorance of the nomination process and procedure, notwithstanding the fact that the process and procedure are not spelt out in the Constitution but case law. The appointment of the Chief Justice herself as a Justice of the Supreme Court went through the very process and procedure set out in the Ghana Bar Association case. Therefore, to seek, wittingly, to outwit this known process and procedure for appointing Supreme Court Justices amounts to misbehaviour in the eyes of the Committee and the Committee finds it as such."

41. That under Article 146, a committee is not given liberty to conjure their own ideas of what sounds like stated misbehaviour or incompetence to them, however sham and contrived, and use it to recommend the removal of Judges from office. That would be a travesty of the justice system that our 1992 Constitution is built on, and unknown to the rule of law.
42. I am advised and verily agree same to be true that the standard set by Article 146 (1) and the common law to be the only grounds for removing a Chief Justice or Justice of Superior Court from office is 'misconduct, incompetence or infirmity that renders a Justice unable to perform the functions of office'. This is the standard for stated misbehaviour or incompetence or infirmity that are required to lead to the removal of a Superior Court Justice or a Chief Justice from office as set out in Article 146 (1).
43. That I am advised and verily agree same to be true that these alleged findings and recommendations by the Committee are so illegal, absurd, irrational and perverse, that they can only be considered as sham, and contrived excuses to remove me from office as Chief Justice, after a proceeding that revealed no wrongdoing meriting the Article 146 procedure that the Daniel Ofori petition and the Pwamang Committee had embarked on.

Travel expenses of the Chief Justice – First reason for recommendation

44. That the first reason claims that 'in the view' and 'opinion of the Committee', expenditure of the Judicial Service on the two vacations given to the Chief Justice in her letter of appointment constituted 'unlawful expenditure' and 'dissipation of public funds' and so are misbehavior warranting removal of the Chief Justice from office.
45. That, indeed, the expenditure that the committee allegedly held as amounting to '*avoidable and reckless dissipation of public funds*' was the subject matter of an audit observation by the Auditor-General who is the only authority clothed with power under the Constitution of Ghana to conduct an audit of public accounts of Ghana, including that of the Judiciary, and to make a finding of wrongdoing, surcharge, disallowance, negligence or misconduct in the reports that he presented to Parliament.
46. That no finding of and unlawful dissipation of public funds, wrongdoing, surcharge, disallowance, negligence or misconduct in the use of the funds in question was found by the Auditor-General in relation to the travel expenses of the Chief Justice.
47. That, as adduced in evidence before the Committee, the Auditor-General in his final report (the Management Letter) after receiving answers to the observations, made no finding of wrongdoing, impropriety or misconduct in relation to the finances in question, and therefore, the purported finding by the committee is absurd, unwarranted and malicious.
48. That further, the purported finding by the Committee in relation to the use of the funds in question, not only amounts to an usurpation of the powers of the Auditor-General under the Constitution of Ghana but is perverse, null, void and of no effect.

49. That the finding of the Committee that the expenditure in issue cannot be justified in law and policy is totally false, perverse and absurd because it contradicts the factual evidence placed before the Committee and among others, the '*Administrative Guidelines For the Implementation of Foreign Travel Allowances*' set by Ministry of Finance in December 2020 which directs that "*Members of the Judiciary and Parliamentary Service have been excluded applicable rates as are approved by their Councils*", (see page 4) the travel policy set by the Judicial Council for the Chief Justice and Superior Court Justices since 2010 (as amended). Attached and marked is a copy of *Administrative Guidelines for the Implementation of Foreign Travel Allowances* as **Exhibit GST 19**.
50. The travel expenditure and administration of per diem was based on the application of the guidelines in the Travel Policy for the Judiciary set by the Judicial Council, and the administration was implemented by the Judicial Secretary and Directors of Finance, Budget and Audit of the Judicial Service, and done without any input from the Chief Justice.
51. In total, about USD 6000 each was given to my husband and daughter as per diem.
52. That the finding of the Committee that the expenditure in issue cannot be justified in law and policy is totally absurd and perverse because it contradicts the testimony of the Acting Judicial Secretary and the Director of Finance who presented records bearing the authorization of the named officers who implemented the policy on per diems for the vacations of the Chief Justice and authorized the expenditure. The Chief Justice was not part of the officers who authorized the expenditure.
53. That the finding of the Committee that the expenditure in issue constitutes 'misconduct of the Chief Justice' is totally false, perverse and absurd, irrational and unreasonable because it contradicts the factual evidence and testimony placed before the committee that the Chief Justice is not a spending officer of Judicial Service and never authorizes expenditure.
54. That the finding of the Committee that the expenditure in issue cannot be justified in law and policy is totally absurd, false, unreasonable, irrational and perverse because it ignores and contradicts the testimony of credible witnesses who testified before the Committee.

Evidence which renders the recommendation a sham, absurd and perverse

55. Attached as **Exhibits GST 9A and GST 9B** are the memoranda of the Director of Protocol of the Judicial Service that commenced the administration of the two vacations, the authorizations of the expenditure by the Directors of Finance and Audit of the Judicial Service for the two vacations in question, the schedule of travel allowances set by the Ministry of Finance which directed that the travel conditions of the Judiciary should be set by the Judicial Council, and the travel policy of the Judicial Service made and determined by the Judicial Council from 2010.

56. The Travel Policy in place at the time of my travel in issue is the Travel Policy of the Judicial Service (2010 Edition as amended in 2019) set by the Judicial Council. Attached herewith is a copy of the travel policy and marked **Exhibit GST 10**. This travel policy is the travel policy that provides for the travel of all Superior Court Judges including the Chief Justice. All of these authorizing documents were made available to the Pwamang Committee, rendering their recommendation not only unconstitutional, but absurd, unreasonable and perverse in relation to records made available to them.
57. That to say that I incurred expenses for travel contrary to law and policy, when in fact the travel was based on the travel policy of the Judicial Service, is to say that all official travels undertaken by Superior Court Judges at the expense of the Judicial Service is contrary to law and policy, for which all Superior Court Judges are liable to be removed.
58. That all my predecessors had travelled with their spouses and/or other person of their choosing for their official vacation under the same travel policy and this testimony was established to the Pwamang Committee and the response to the audit observation.
59. That from the record, the Judicial Service travel policy had clearly been understood and interpreted by all key management staff of the Judicial Service to entitle the Chief Justice to travel on two vacations per year together with the spouse or other person she may nominate.
60. That subsequent to the travels, the office of the Auditor General, as part of annual audit of the Judicial Service, and in keeping with its constitutional mandate, raised audit observations relative to the travels in issue by enquiring why in 2023, the Chief Justices did not travel with security.
61. That those audit observations were directed to the Judicial Secretary who is the spending officer of the Judicial Service. The audit observation raised by the Auditor General is and the responses of the Judicial Secretary is attached and marked **Exhibit GST 11**.
62. That the Auditor General accepted the responses of the Judicial Secretary to the audit observation and accordingly made no adverse audit finding against the Judicial Service, the Judicial Secretary nor the Chief Justice in the Auditor General's final audit (Management Letter). Attached is the Management Letter Exhibited as **Exhibit GST 12**.
63. That I am advised and verily believe same to be true that with no disallowance by the Auditor General regarding the expenses relating to the foreign travels, it is illegal, irrational, perverse and indeed contrary to the directions of Article 187(7) of the Constitution for the Committee to make a finding that the expenditure relating to the Chief Justice's foreign travel in issue is contrary to law or policy and constitutes stated misbehavior on the part of the Chief Justice, and reason to remove the Chief Justice from office.

64. Indeed, even when any expenditure in issue is contrary to law, the proper remedy provided for under Article 187 is a disallowance and surcharge and not removal from office of public officers.
65. That in essence, the Committee's opinion is that despite the fact that the Auditor General accepted the relevant expenditure, and made no adverse finding about the expenditure as the only person with authority to do so under the Constitution 1992, the President should nevertheless remove the Chief Justice from office for an expenditure that has been accepted by the Auditor General. Such a reasoning, I am advised and verily believe same to be true, is sham, perverse, absurd, and clearly contrived only as an excuse that contravenes the Constitutional mandate of the Auditor General and violates the duty to be fair, rational, and logical in decisions that affect the rights of citizens. The decision also infringes my legitimate expectations.
66. Following the Audit observation noted above, the Judicial Council at its 285th Meeting held on Wednesday, 26th June 2024, amended the Travel Policy of the Judicial Service for the Chief Justice and Superior Court Judges, to clarify the practice and existing Policy. Attached is a copy of the revised Travel Policy and Marked as **Exhibit GST 13**
67. That the President cannot be urged to find himself bound by a recommendation that directs that he should violate the constitutional arrangements made for the disallowance and surcharging of public funds, or that he should ignore same for the purpose of removing the Chief Justice from office.

The second reason for recommending removal of the Chief Justice - Transfer of Mr. Francis Baiden.

68. That the second reason allegedly given for recommending my removal from office as Chief Justice is that 'the way and manner in which the Chief Justice transferred one member of staff, Mr Baiden, constituted misbehavior because it *unjustifiably breached the provisions in Article 296(a) and (b) of the Constitution, 1992*'.
69. That any opinion that the Chief Justice has misbehaved by transferring one member of staff and this transfer should ground the removal of the Chief Justice from office is irrational and illogical, because it directly contravenes the constitutional duties of the Chief Justice. Even as an Acting Chief Justice, the current Acting Chief Justice is on record as transferring Judges and staff since April 2025, **because it is simply the duty of a Chief Justice to transfer Judges and staff.**
70. That quite apart from the lack of any factual basis for this "way and manner" claimed by the Pwamang Committee, the Committee is urging that despite the fact the Chief Justice is the person given constitutional responsibility for the administration and supervision of the Judiciary and Judicial Service of Ghana under Article 125 (4), which responsibility includes transferring all Judges and staff, including the obligation to transfer even Court of Appeal Judges, the Committee had chosen to have an opinion that by transferring one member of staff in a certain 'way and manner', the Chief Justice had 'misbehaved' and so must be removed from office. Such reasoning can only at best be

described as absurd, irrational and illogical, sham and contrived, and therefore null and void.

71. The records presented to the Committee confirm that the said Mr Baiden never complained about his transfer to even the Director of Human Resources or the Judicial Secretary or the Chief Justice and continued his new duties after his transfer without complaint. It is absurd for Daniel Ofori to present a petition to the President complaining about that transfer (in the absence of any notice of prior complaint about same) and for the Pwamang Committee to find that the transfer of Mr Baiden amounts to conduct sufficient for my removal.
72. That Mr Baiden's transfer occurred after court records in the case of **Republic v Gyakye Quayson** were found to have been doctored and changed while Mr. Baiden was in charge of the E-Justice system. A request of the judge in charge of the court to the Chief Justice to give directions after this incident, the reports of relevant officers on this incident, a forensic report on this incident and the report of a Disciplinary Committee on the incident were all made available to the Pwamang Committee and are attached to this application.
73. That the report of the National Signals Bureau, is exhibited as **Exhibit GST 14** while the Report of the Disciplinary Committee Chaired by Justice Owusu Dapaah dated April 29, 2024 is attached as **Exhibit GST 15**
74. That it was the report of the National Signals bureau which identified Mr. Francis Baiden as a "prime suspect" of the alleged doctoring and tampering of Court records
75. That also Exhibited herewith are:
 - a. A correspondence from Justice Yanzuh, the Judge sitting in Criminal Court 3 requesting the Chief Justice to provide directions regarding loss of court proceedings in the Gyakye Quayson case on July 26, 2023 marked as **Exhibit GST 16**
 - b. Inter-office Memo from Mr. Francis Baiden to H/L Justice Yanzuh under the subject, incident report at Criminal Court 3 dated July 26, 2023, admitting that the digital records of the court's proceedings were changed.
 - c. Memo from the law court manager to the Chief Justice with the subject, allegation of doctored proceedings- Suit No. CR/0264/2022 (*The Republic v. James Gyakye Quayson*)
 - d. Inter-office Memo from Mr. Francis Baiden to the Director of IT admitting that the digital records of the court's proceedings were changed.
 - e. Letter of transfer of Mr. Francis Baiden dated July 12, 2024.
76. That the above Exhibits and testimony all of which were put before the Committee shows that I was exercising my duties under Article 125(4) which make me responsible

for the administration and supervision of the work of the Judiciary when I directed investigation into the doctoring of court records, and when I transferred Mr. Francis Baiden.

77. That I am further advised and verily believe same to be true that it is the law that a breach of Article 296 of the Constitution only makes the act of a public office holder subject to the use of a prerogative writ or order to remedy any inappropriate orders, and not loss of office of public office holder. Were this to be the case, every time Article 296 is alleged to have been breached, the relevant officer of office holder would be liable for removal from office and no public office holder could work.
78. That I am further advised and verily believe same to be true that the alleged view and opinion that the discharge of the Chief Justice's duty to transfer staff constitutes misbehavior when it came to the transfer of one member of staff out of the almost 8000 staff of the Judicial Service, when no complaint was made by the person affected by the transfer, makes the recommendation a direct contravention of the constitutional duty placed on the Chief Justice under Article 125 (4) to be responsible for the administration and supervision of the Judiciary and Judicial Service. It also makes the recommendation illegal, illogical, irrational, absurd, contrived for no reason, and a sham
79. That I am further advised and verily believe same to be true that such an illegal, irrational, perverse, and absurd reason given as the basis for the removal of a Chief Justice from office cannot bind the President to remove the Chief Justice from office, when the President is himself obliged to honor the directions of the Constitution and the duties placed on the Chief Justice by the Constitution.

The third reason -Recommendation of Judges for consideration for elevation:

80. That in the third reason ostensibly given for recommending my removal as Chief Justice from office contained in the communication from the Secretary of the President is that in the Committee's view, while acknowledging that the *nomination process and procedure for Justices is not spelt out in the Constitution but case law, the Chief Justice had sought to outwit this process and procedure and this 'in the eyes of the Committee' constitutes misbehavior.*
81. That, the communication from the President does not indicate how I sought to outwit the recommendation and nomination process for Judges, and neither has a copy of the Report been served on me.
82. That this alleged view of the Pwamang Committee constitutes a deliberate and mischievous effort to misrepresent the duties of the Chief Justice
83. That the essence of the alleged opinion is that although there is no law that the Chief Justice had violated in recommending Justices for consideration for elevation, the Committee has chosen to 'view' the administrative and supervisory act of recommending Justices for appointment as misbehavior and recommend that the Chief Justice should be removed from office for this reason.

84. The utter absurdity, irrationality, illegality and unconstitutionality of this 'opinion' cannot bind the President whose duty it is to recognize the duties that the Constitution has placed on the Chief Justice in Article 125(4).
85. That following complaint of the heavy case load of the Supreme Court and the attendant delays, the Applicant prepared an executive brief to the President for increasing the number of Justices of the Supreme Court. That executive brief was reviewed and commented on by the Ghana Bar association and the Attorney General. The executive brief and the comments of the Ghana Bar Association and the Attorney-General were made available to the Pwamang Committee are attached as **Exhibits GST 17**. They establish the transparency and diligence of the communications that underscored the Applicant's request for more Judges on the Supreme Court, such that the reference to the Applicant attempting to 'outwit' any procedures (that the Committee agrees is not set out in any law) has no basis in facts and totally perverse and irrational.
86. That when it comes to recommending Justices for nomination to the Supreme Court, apart from the constitutionally conferred administrative and supervisory duties of the Chief Justice, it is the established convention recognized in the decision of the Supreme Court that the Chief Justice is one of three constituencies that recommend Justices for elevation, by reason of being the head of the Judiciary. The other two constituencies are the Ghana Bar Association and the Attorney General.
87. That this same complaint had been submitted to President Akufo Addo by one Professor Asare and the President and the immediate past Council of State had issued a *prima facie* determination which had dismissed this allegation as misconceived. This *prima facie* determination was submitted to the Pwamang Committee and is attached as **Exhibit GST 18**.
88. That I am also advised and verily believe same to be true that with the previous *prima facie* determination and dismissal by the President and Council of State, this matter could not be the subject of another petition and *prima facie* determination or consideration by an Article 146 Committee as same constitutes an abuse of process and is unfair.
89. The alleged recommendation to remove the Chief Justice from office cannot also bind the President to act on them by reason of the fact that on the very face of the reasons given, the reasons contravene the dictates of the Constitution

Violations that render the proceedings null and void

90. That all the proceedings conducted before the Article 146 Committee are null and void and ought to be quashed as violating Articles 146(4), 146(7) 19 (13), 23, and 296 of the 1992 Constitution, by reason of the averments set out above.
91. That I am advised and verily believe same to be true that the failure of the President to present me with a copy of the alleged *prima facie* determination upon which a warrant of suspension was issued and which subjected me to a hearing of unsubstantiated

allegations constitutes a violation of the procedures directed by Article 146 of the Constitution 1992 and my constitutionally guaranteed right to a fair and impartial hearing under Article 19 (13) of the Constitution 1992 which renders the proceedings and nullity and therefore void.

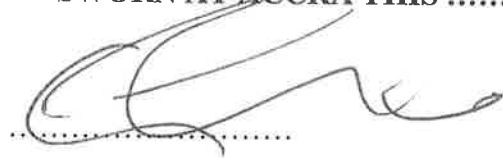
92. That I am advised and believe same to be true that the authorship of a judgment and opinions in favor of Daniel Ofori by Justice Pwamang that I disagreed with, which opinions have been attacked as having been obtained by fraud in the high court, rendered Justice Pwamang incapable of being an impartial arbiter in the petition by Daniel Ofori that referenced my dissenting opinion as grounds for the petition. The pendency of the challenge to Justice Pwamang presiding over these proceedings render his role as Chairman of the Article 146 Committee an abuse and violation of my substantive rights to justice
93. That the proceedings can only be described as a cruel sham, and an atrocious abuse of the constitutional process set out in Article 146, to achieve an outcome that deprives me of not only my duly earned position as a Justice of the Supreme Court and constitutionally conferred position as Chief Justice, but all the entitlements that I have earned over a twenty one year period as a Judge working with diligence and integrity, which led to my consistent promotion by all Presidents since 2004.
94. That the proceedings, the refusal to give me a copy of the alleged *prima facie* determination that should have determined what case I was to answer in the proceedings, and the current refusal to also give me a copy of the alleged Report allegedly recommending my removal from office as Chief Justice, and the alleged reasons communicated by the Secretary of the President as the reasons given by the Pwamang Committee for recommending my removal as Chief Justice from office, show a reckless disregard for my rights as a citizen to procedural and substantive justice, and a total lack of any reasons for removing me from office as Chief Justice found in the petitions referred for hearing, and an insistence on presenting any sham excuse for removing me from office, while hiding behind the veil of 'in camera proceedings' and a refusal to give me a copy of the Report, as if I do not merit the minimum humane treatment of even being given a copy of the record explaining the reasons for taking my rights and entitlements from me.
95. These clear violations of Constitutional rights to substantive and procedural justice set an extremely dangerous precedent for the country, constitutional democracy, and rule of law and ought to be removed from our body politic by a court of competent jurisdiction on account of being utterly unknown to law, and being null and void. It is for these reasons that I make the present application.
96. **WHEREFORE** and in the circumstances, I depose to this Affidavit in Support of the Application for Judicial Review for the reliefs set out and on the stated grounds herein

NAMES AND ADDRESSES OF PERSONS DIRECTLY AFFECTED BY THE APPLICATION.

1. The President of the Republic.
Office of the President,
Jubilee House, Accra
2. The Attorney-General
Office of the Attorney General and Ministry of Justice
Ministries, Accra



SWORN AT ACCRA THIS ^{15th}..... DAY OF ^{October}SEPTEMBER, 2025



DEPONENT
SWORN BEFORE

COMMISSIONER FOR OATHS

THE REGISTRAR,
HIGH COURT,
ACCRA.



AND FOR SERVICE ON THE WITHIN NAMED RESPONDENTS.

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA
A.D. 2025

Filed on 16/10/2025
10:30 am/pm
Registrar
HIGH COURT, ACCRA
SUIT NO.

IN THE MATTER OF AN APPLICATION BY HER LADYSHIP JUSTICE GERTRUDE ARABA ESAABA SACKKEY TORKORNOO INVOKING THE SUPERVISORY JURISDICTION OF THE HIGH COURT

AND

IN THE MATTER OF:

THE REPUBLIC

v.

ATTORNEY-GENERAL

RESPONDENT

EXPARTE:

JUSTICE GERTRUDE ARABA

ESAABA SACKKEY TORKORNOO

APPLICANT

Chief Justice's Residence
Cantonments, Accra

CERTIFICATE OF EXHIBITS

I, **JUSTINA CLOTTIE** hereby certify and identify the under mentioned documents which have been shown to me and exhibited to the Affidavit deposed to by Justice Gertrude Araba Esaaba Sackkey Torkornoo and sworn on 15th October 2025.

1. Exhibit GST1 – A copy of the press release from the Presidency on the receipt of 3 petitions for removal of Chief Justice
2. Exhibits GST2A, GST2B and GST2C – Copies of the petitions for the removal of Chief Justice
3. Exhibits GST3 – Copies of responses to the Petitions without attachments
4. Exhibit GST4 - A copy of the communication of the Secretary to the President dated April 22, 2025.
5. Exhibit GST5 – A copy of the Presidential Warrant dated April 22, 2025
6. Exhibit GST 6 – A copy of the letter from lawyers of the Chief Justice to the Article 146 Committee requesting for an extension of time to file their submission
7. Exhibit GST 6B – A copy of the proceedings of 25th August 2025
8. Exhibit GST 7 - A copy of the communication from the Secretary to the President

informing the Chief Justice of her removal from office

9. Exhibit GST 8 – A copy of the Warrant of Removal from office as Chief Justice
10. Exhibits GST 9A and GST 9B – Copies of the memoranda of the Director of Protocol of the Judicial Service
11. Exhibit GST 10 - A copy of the Judicial Service travel policy
12. Exhibit GST 11 – A copy of the audit observation raised by the Auditor General, and the responses of the Judicial Secretary thereto.
13. Exhibit GST 12 – A copy of the Management Letter.
14. Exhibit GST 13 - A copy of the revised Travel Policy and Marked
15. Exhibit GST 14 – A copy of the report of the National Signals Bureau
16. Exhibit GST 15 – A copy of the Report of the Disciplinary Committee Chaired by Justice Owusu Dapaah dated April 29, 2024
17. Exhibit GST 16 – A copy of the correspondence from Justice Yanzuh
18. Exhibits GST 17 – Copies of the executive brief and the comments of the Ghana Bar Association and the Attorney-General made available to the Pwamang Committee
19. Exhibit GST 18 – A copy of the prima facie determination submitted to the Pwamang Committee.
20. Exhibit GST 19 - A copy of *Administrative Guidelines for the Implementation of Foreign Travel Allowances*

SWORN BEFORE



GS 11



Tuesday, 25 March 2025

President Mahama Consults with the Council of State on three(3) Petitions for the removal of the Chief Justice

President Mahama has received three (3) petitions from various persons seeking the removal of the Chief Justice. The President has forwarded the three (3) petitions to the Council of State to commence the consultation process mandated by Article 146 of the 1992 Constitution.

**Felix Kwakye Ofosu, MP.
Spokesperson to the President,
Minister, Government Communications.**

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT...
TO IN THE...
SWORN BEFORE ME THIS...
DAY OF...
COMMISSIONER FOR OAT



MARCH 17, 2025.

HIS EXCELLENCY,
THE PRESIDENT OF THE REPUBLIC OF GHANA,
JUBILEE HOUSE,
ACCRA.

Dear Sir,

**PETITION FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE,
HER LADYSHIP GERTRUDE SACKY TORKORNOO,
PURSUANT TO ARTICLE 146 OF THE 1992 CONSTITUTION OF THE
REPUBLIC OF GHANA.**

Introduction.

1. I, the undersigned, respectfully petition Your Excellency for the removal of the Honourable Chief Justice of the Republic of Ghana, Her Ladyship Gertrude Sackey Torkornoo CJ on grounds of "stated misbehavior" and "incompetence" under Article 146(1) of the 1992 Constitution of the Republic of Ghana.
2. I state below twenty-one [21] specific allegations of misbehavior of the Honourable Chief Justice and four [4] allegations of incompetence, all of which relate to the Honourable Chief Justice's discharge of her administrative roles and functions as head of the Judiciary, responsible for its supervision and administration.
3. Article 146(6) of the 1992 Constitution requires that in respect of a petition

"for the removal of the Chief Justice, the President **shall, acting in consultation with the Council of State, appoint a committee** consisting of two Justices of the Supreme Court, one of whom shall be appointed chairman by the President, and three other persons who are not members of the Council of State, nor members of Parliament, nor lawyers." [emphasis added]

THIS IS THE INSTRUMENT MADE
AS EXHIBIT. 1. REFERRE
TO IN THE AND... S. Torkornoo
SWORN BEFORE ME THIS...
DAY OF...

Page 1 of 14

COMMISSIONER FOR OAT

RESTRICTED

4. Article 146(7) provides the terms of reference for the Committee:

"7. The committee appointed under clause (6) of this article shall inquire into the petition and recommend to the President whether the Chief Justice ought to be removed from office."

5. It is before the committee appointed by the President that the allegations of misbehavior and incompetence that we state and outline in this petition against the Chief Justice must be proved by evidence.
6. No other context for proof of the allegations, other than the committee, is provided for in the Constitution. This petition is, therefore, not the place to try to offer evidence of the misbehavior and incompetence that we put forward against the Chief Justice.

Statement of misbehavior - Specific allegations.

7. **FIRST.**

In 2023, the Honourable Chief Justice misappropriated the sum of GHS261,890.00 of public funds for the benefit of the Chief Justice for her private foreign travel with her husband, Mr. Francis Kofi Torkornoo, and her daughter Miss Edem S.A. Torkornoc and US\$30,000 in per diem allowances when, to her knowledge, neither the husband of the Chief Justice nor the Chief Justice's daughter were entitled to have their travel or any travel allowances paid for out of the funds of the Judicial Service.

8. **SECOND.**

In 2023, the Honourable Chief Justice misappropriated the sum of GHS75,580.00 out of public funds for Ethiopian Airline tickets for the Honourable Chief Justice and her husband during the vacation of Her Ladyship to Arusha, Tanzania.

9. **THIRD.**

In 2023, Her Ladyship the Honourable Chief Justice obtained from the Judicial Service an accountable imprest in the sum of \$14,000.00 to the Honourable Chief Justice to travel with her husband to Arusha Tanzania which she failed to retire.

10. **FOURTH.**

In July 2023, Her Ladyship the Honourable Chief Justice, without the knowledge of the accused person and his lawyers, unconstitutionally interfered with judicial proceedings in the case of **Republic v Gyakye**

Quayson Suit No. **CR/0264/2022** in the High Court, [Criminal Division-3] by causing officials of National Security to go and seize from the court computers on which proceedings in the case and other cases in that court were being recorded, ostensibly in connection with investigations into allegations of tampering with the record of proceedings in the said case.

11. FIFTH.

The Honourable Chief Justice, without the knowledge of the accused person and his lawyers, unconstitutionally interfered with judicial proceedings in the case of **Republic v Gyakye Quayson Suit No. CR/0264/2022** in the High Court, [Criminal Division-3] by causing the arrest and maltreatment at the offices of National Security of Judicial Service personnel of the ICT Division of the Law Courts Complex and Judicial Service personnel at the High Court, Criminal Division 3, as well as the questioning of the said officials of the Judicial Service by the officials of the National Security that the Honourable Chief Justice had caused to go to the High Court, Criminal Division 3.

12. **SIXTH**

The Honourable Chief Justice falsely and maliciously accused two members of staff of the Judicial Service, namely Francis Baiden and Adwoa Boatemaa Prempeh, of tampering with the record of the proceedings for 19th July 2023 in the case of **Republic v Gyakyé Quayson** Suit No. **CR/0264/2022**, and set up a committee of inquiry, also without the knowledge or involvement of the accused person and his lawyers, even though the proceedings alleged to have been tampered with related to proceedings in the case and were of interest to the accused person.

12. SEVENTH.

The Honourable Chief Justice arbitrarily, capriciously, unreasonably and maliciously transferred Francis Baiden, the Deputy Director of ICT of the Judicial Service, from the said position "to the Regional Administration Judicial Service Tamale to coordinate activities of private process servers in the Northern, North East, Savannah, Upper East and Upper West Regions of the country" immediately upon Francis Baiden being exonerated by a committee of inquiry set up by Her Ladyship the Chief Justice and reinstated to his position as Deputy Director of ICT of the Judicial Service as recommended by the committee from the false charge of tampering with a record of the proceedings in the case of **Republic v Gyakye Quayson** Suit No. **CR/0264/2022**.

13. **EIGHTH.**

The Honourable Chief Justice, in bad faith and arbitrarily and unreasonably, transferred the execution proceedings initiated, on the directions of the Supreme Court, before the High Court (Commercial Division 7), Accra, presided over by His Lordship Justice Lodo in a suit intituled **Daniel Ofori v Ecobank Ghana Limited** numbered CM/MISC/0829/2021), from that High Court to the High Court General Jurisdiction-8, Accra, presided over by Her Ladyship Justice Ellen Mireku, simply to achieve a result that she had sought unsuccessfully to achieve when sitting in the Supreme Court as a member of the panel in **Daniel Ofori v. Ecobank** (Suit Numbers J8/114/2020 and J7/13/2020 dated 24th March, 2021) and after receiving a petition from the lawyer for the Judgment Debtor/Respondent in Suit No. CM/MISC/0829/2021 in respect of which petition she did not give the lawyer for the Judgment Creditor/Applicant an opportunity to be heard.

14. **NINETH.**

The Honourable Chief Justice abused the power of the Chief Justice to transfer cases pending before one judge to another judge by ordering a transfer of a suit entitled **Ecobank v. Daniel Ofori** (suit numbered GJ 0902/23) from the High Court (General Jurisdiction 6) presided over by Her Ladyship Justice Buansi Amponsah to the High Court (General Jurisdiction 8) presided over by Her Ladyship Justice Mireku simply because she did not like a decision given by Justice Buansi Amponsah to dismiss the suit, which ran counter to dissenting opinions of Her Ladyship as a member of the panel of the Supreme Court in **Daniel Ofori v. Ecobank** (Suits numbered J8/114/2020 and J7/13/2020 dated 24th March, 2021).

15. **TENTH.**

The Honourable Chief Justice contemptuously refused to comply with a decision of the High Court Accra (Industrial/Labour Court 1) presided over by His Lordship Justice Justice Frank Aboadwe dated 30th of July 2024 which ordered the reinstatement of a member of staff of the Judicial Service namely Thomas Odei Bofo in a case titled **Thomas Odei Bofo v. The Judicial Service of Ghana & Anor** (Suit No. IL/104/2019)).

16. **ELEVENTH.**

The Honourable Chief Justice contemptuously refused to comply with a decision of the High Court, Accra presided over by His Lordship Justice Justice Frank Aboadwe dated 21st March 2024 which ordered the reinstatement of a member of staff of the Judicial Service namely Philip

Kumayi Daliba in a case titled **Philip Kumayi Daliba v. The Judicial Service of Ghana & Anor.**

17. **TWELFTH.**

The Honourable Chief Justice arbitrarily, capriciously and unreasonably dismissed Mohammed Musah, a Deputy Chief Registrar, High Court, Tamale, by letter dated 5th December 2023, in clear violation of Article 151 of the 1992 Constitution and treated with contempt representations on the matter from the Judicial Service Association of Ghana and Mr. Musah.

18. **THIRTEENTH.**

The Honourable Chief Justice arbitrarily, capriciously and unreasonably dismissed Mr. Richard Boadi Acheampong by letter dated 12th October 2023, on grounds of absentsing himself without permission and reporting to work late which are minor offences under Rule 11 of the Judicial Service Code of Conduct when dismissal is the harshest penalty for major offences and treating with contempt a decision of the Judicial Council on 29th November 2023 that a petition from Mr. Richard Boadi Acheampong be duly considered. Mr. Richard Boadi Acheampong was traumatized by the wrongful dismissal and unfortunately passed away in March 2024.

19. **FOURTEENTH.**

The Honourable Chief Justice unreasonably and contemptuously refused to comply with an order of the Court of Appeal dated 23rd May 2023 staying execution of a suspension imposed by the Disciplinary Committee of the General Legal Council, which Council Her Ladyship the Chief Justice is Chairperson of, on a lawyer, Kwame Fosu Gyeabuor, and causing circulars dated 18th February 2024 and 15th March 2024 to be issued to all courts requiring the courts not to grant audience to the said lawyer. It was stated, in the circular dated 18th February 2024 that the said lawyer's licence

"... has not been renewed for the year 2024" and, further: "All Courts are therefore not to grant him audience until further notice from the General Council."

It was also stated, in the circular dated 15th March 2024 that the Ghana Bar Association had indicated by letter that it had

"... deactivated Mr. Kwame Fosu- Gyeabuor's certificate generated on the GBA portal, marked eGAR01553/24 ...
All Courts are to take note and take the necessary action accordingly."

20. **FIFTEENTH.**

The Honourable Chief Justice unconstitutionally interfered in the judicial power of judges by purporting in a circular dated 18th February 2024 from the General Legal Council to direct as follows:

"The Honourable Lady Chief Justice and Chairperson of the General Legal Council has further directed that any order issued on Mr. Kwame Fosu- Gyeabuor's application will be void."

21. **SIXTEENTH.**

The Honourable Chief Justice unconstitutionally interfered in the judicial power of the Kasoa Ofaakor District Court in the case of **Robert Sawale McIntosh operating under the Business Name and style: Unitrans Susu Enterprise v. Justice Akanji** (Suit No.: A2/76/2021) by summoning the Registrar of the said court to her office in or about August 2023 and ordering him not to proceed with execution processes that were being pursued by the Plaintiff based on a decision of the District Court in favour of the Plaintiff.

22. **SEVENTEENTH.**

The Honourable Chief Justice undermined the independence of the judiciary by nominating to the President for appointment to the Supreme Court five (5) additional judges based on her capricious determination, in collusion with the then President, to have total partisan political control of the Supreme Court long after the term of the said President.

23. **EIGHTEENTH.**

The Honourable Chief Justice arbitrarily, capriciously, and unreasonably transferred Justice Anokye-Gyimah from the High Court in Accra to Kumasi on account of his decision in **Republic v. Opuni and others** to conduct the trial de novo after the case was assigned to him upon the retirement of Justice Honyenugah.

24. **NINETEENTH.**

The Honourable Chief Justice arbitrarily, capriciously and unreasonably reassigned the case of **Republic v. Opuni and others** to Justice Aboagye-Tandoh who she then transferred from Winneba to Accra specifically for the purpose of handling the case.

25. **TWENTIETH.**

The Honourable Chief Justice arbitrarily, capriciously, unreasonably and unlawfully interfered with the administrative responsibility of the Registrar of the Court of Appeal (Civil Division), Accra, to put an ex parte application in the case of **Professor Margaret Kweku and ors v. Electoral**

Commission and John Peter Amewu (SALL case) before the Court of Appeal sitting in Accra on or about 16th December 2025.

26. **TWENTY FIRST.**

The Honourable Chief Justice acted arbitrarily, capriciously and unreasonably when, upon the Plaintiff's representation in the case of **Afenyo Markin v. Speaker of Parliament**, she immediately and in the most unprecedented manner empanelled the Supreme Court for the hearing of an ex parte application in the said case.

Incompetence – Specific Allegations.

27. The Honourable Chief Justice unreasonably appointed as the Judicial Secretary a Judge of the Court of Appeal, Justice Cyra Pamela Addo who has continued to sit as a Judge, thus creating inefficiency in the running of the Secretariat of the Chief Justice.
28. The Honourable Chief Justice unreasonably appointed as a Registrar of the Supreme Court a Judge of the High Court, Justice Helen Ofei, who has continued to sit as a Judge, thus creating inefficiency in the running of the Registry of the Supreme Court.
29. The Honourable Chief Justice unreasonably appointed as a Registrar of the Court of Appeal (Civil Division) a judge of the Circuit Court, His Honour Jojo Amoah Hagan, who has continued to sit as a Judge, thus creating inefficiency in the running of the Registry of the Court of Appeal (Civil Division).
30. The Honourable Chief Justice, by appointments of sitting judges to administrative positions, compromises their ability in the exercise of administrative responsibilities, to deal effectively with other judges, especially judges senior to them, thus creating inefficiency in the carrying out of their administrative duties.

What is “stated misbehaviour”?

31. Removing judges for misbehavior is well established in English common law. The removal of judges on such grounds is important to protect the judiciary's integrity and independence.¹

¹ See the Hon Geoffrey Nettle AC QC Removal of Judges from Office. Melbourne University Law Review Vol 45(1): 241-276.

32. What counts as misbehaviour may therefore be discerned from the common law which is a source of law under article 11(1)(e) of the Constitution, common law being defined in article 11(2). Misbehavior in common law terms typically includes:
- i. **Abuse of Office:** using the office of a judge in a manner which brings the administration of justice into disrepute.
 - ii. **Incompetence:** demonstrating a lack of ability or capacity to perform duties in accordance with the standards required and/or expected of the office.
 - iii. **Unreasonableness:** behaving in a manner that defies logic undermines public confidence in the judiciary, such as making decisions that are irrational, arbitrary, inappropriate relationships.
 - iv. **Corruption:** engaging in bribery or other forms of corruption.
 - v. **Moral Turpitude:** engaging in conduct that is morally unacceptable, such as fraud or dishonesty.
33. Misbehavior in terms of the 1992 Constitution of the Republic of Ghana is also to be interpreted from a constitutional context that involves the separation of powers, the independence of the Judiciary, respect for fundamental human rights, justice being administered in the name of the people and, hence, the need to ensure public confidence in the administration of justice. Conduct of a Chief Justice undermining these foundational aspects of the legal system of Ghana is, thus, without doubt, misbehavior such as justifies the removal of a Chief Justice.
34. Article 127(2) of the Constitution protects judges from interference by providing that
- "Neither the President nor Parliament nor any person acting under the authority of the President or Parliament **nor any other person whatsoever** shall interfere with Judges or judicial officers or other persons exercising judicial power..." (emphasis added).
35. This provision, clearly, is not only about interference with Judges or judicial officers from the President or Parliament. It also requires a Chief Justice, for instance, in the discharge of administrative duties supervising the Judiciary, not to interfere with individual judges or judicial officers or other persons in their exercise of judicial power.
36. Especially when administrative action by the Chief Justice is to please the President or assist the agenda of the Executive or meant

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to satisfy a personal whim such as doing something to favour an individual, the danger to the independence of the Judiciary is even more serious.

Some relevant judicial pronouncements

37. In *Agyei Twum v Attorney General & Akwetey*,² the Supreme Court made it clear that the the Chief Justice's administrative acts are not immune from the impeachment process. Prof Ocran JSC expressed this succinctly thus:

"A claim of a constitutionally protected absolute administrative autonomy for the Chief Justice must fail."³

38. Dr. Date-Bah JSC had also stated at page 751 that the Chief Justice's acts must comply with the provisions of article 296 of the Constitution. He indicated thus:

"Rather, what is relevant is the Chief Justice's implied duty to be **fair and candid in the exercise of his discretionary power, as laid down in Article 296 of the Constitution.**"

39. Article 296 of the Constitution provides clear rules and standards for the exercise of discretionary power which is essentially administrative in nature. It says as follows:

"Where in this Constitution or in any other law discretionary power is vested in any person or authority-

- a) that discretionary power shall be deemed to imply a duty to be fair and candid;
- b) the exercise of the discretionary power shall not be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law; and
- c) where the person or authority is not a judge or other judicial officer, there shall be published by constitutional instrument or statutory instrument, regulations that are not inconsistent with the provisions of this Constitution or that other law to govern the exercise of the discretionary power.

40. The constitutional principles on the exercise of discretionary power stated in article 296 are supplemented by the following provisions of article 23 of the Constitution:

² [2005-2006] SCGLR 732.

³ at page 789.

"Administrative Justice

23. Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal."

41. The Honourable Chief Justice is an "administrative official" within the meaning of article 23. Her administrative role is provided for in article 125(4) of the Constitution. She is

"... responsible for the administration and supervision of the Judiciary."

The responsibilities of the Chief Justice under article 125(4) of the Constitution are expressed as "subject to the Constitution". The Honourable Chief Justice is thus subject to the important requirements in article 23 of the Constitution whose significance has been the subject of authoritative judicial pronouncements, such as in the case of **Awuni v West African Examinations Council**⁴, where Sophia Akuffo JSC (as she then was) stated:

"... In my view, the scope of article 23 is such that, there is no distinction made between acts done in exercise of ordinary administrative functions and quasi-judicial administrative functions. Where a body or officer has an administrative function to perform, the activity must be conducted with, and reflect the qualities of fairness, reasonableness and legal compliance. I will not venture to give a comprehensive definition of what is fair and reasonable, since these qualities are dictated by the circumstances in which the administrative function is performed. At the very least however, it includes probity, transparency, objectivity, opportunity to be heard, legal competence and absence of bias, caprice or ill-will. In particular, where, as in this case, the likely outcome of an administrative activity is of a penal nature, no matter how strong the suspicion of the commission of the offence, it is imperative that all affected persons be given reasonable notice of the allegations against them and reasonable opportunity to be heard, if the objective of article 23 is to be achieved."⁵

42. In **TDC & Musah v. Atta Baffuor**,⁶ the Supreme Court gave extensive consideration to the issue of discretionary powers and the powers of review

⁴ [2003-2004] SCGLR 471.

⁵ At page 514.

⁶ [2005-2006] SCGLR 121.

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over these powers. The judgment of Georgina Wood JSC (as she then was) delved into English case law, particularly

"two important cases, namely, Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation [1948] 1 K.B. 223, and the celebrated case of Council of Civil Service Unions v. Minister for the Civil Service [1984] 3 All ER 935, HL in which Lord Greene's formulation of the basic principles of judicial review, often referred to as the Wednesbury principles, was reformulated by Lord Diplock .. at page 949 ..."

43. She then proceeded to explain:

"Lord Diplock identified three grounds to start with, and rightly left the classification open, for further development on a case by case basis. They are illegality, irrationality and procedural impropriety. He explained these grounds at pages 950-951 of the Report as follows:

"The first ground I would call 'illegality', the second 'irrationality' and the third 'procedural impropriety'...

By 'illegality' as a ground for judicial review I mean that the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it. Whether he has or not is par excellence a justiciable question to be decided, in the event of a dispute, by those persons, the judges, by whom judicial power of the state is exercisable.

By 'irrationality' I mean what can now be succinctly referred to as **'Wednesbury unreasonableness'** It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it...."⁸ (emphasis added).

44. Georgina Wood JSC (as she then was) determined, in respect of the case at hand, that it

"fell within the irrationality or unreasonableness rule in that the decision arrived at by the TDC defies logic and common sense or accepted moral standards and that, without meaning any disrespect to the TDC, no sensible or reasonable person called upon to apply his or her mind to the decision to be taken, could have come to that decision."⁹ (emphasis added).

⁷ at page 129.

⁸ at pages 130-131.

⁹ at page 131.

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45. It is, similarly, without meaning any disrespect to Her Ladyship the Chief Justice, that we intend to show by evidence the unreasonableness of certain administrative decisions that she took as part of the stated misbehaviour set out above which justifies her removal.

46. In the same **TDC & Musah** case, Dr. Date-Bah JSC also noted:

*"I believe that the requirement of "reasonableness" in administrative decisions should be given as fundamental a role in Ghanaian law as it has attained in English law. Indeed, as my learned brother, Atuguba JSC has today in his judgment in this case shown, article 23 of the 1992 Constitution, which is contained in the chapter on fundamental human rights, contains within it a similar concept and therefore **reasonableness in administrative decisions is a matter of fundamental human rights in this jurisdiction.**"*¹⁰ (Emphasis supplied).

47. Atuguba JSC in turn made the following pertinent observation:

*"Often administrative authorities gleefully take up statutory powers or functions but seem to be oblivious of the fact that they are public accountable powers. They ought always to bear in mind the adage that *qui sentit commodum et onus sentire debet* or that one cannot take a *beneficium sine onero*."*

The obliviousness to accountability that has been evident in the conduct of Her Ladyship the Chief Justice is what has occasioned, and is the subject-matter of, this petition.

48. In **Aboagye v. Ghana Commercial Bank Ltd**¹¹, Bamford Addo JSC stated:

*"...article 23 says that administrative bodies and officials shall act fairly. And acting fairly implies the application of rules of natural justice, which have been elevated to constitutional rights and are binding on all adjudication and administrative bodies as well as courts and tribunals."*¹²

49. In the case of **Okudzeto Ablakwa (No 2) & Another v Attorney-General & Obetsebi-Lamphey**,¹³ Brobbey JSC speaking for the majority, stated that the

¹⁰ at pages 152-3.

¹¹ [2001-2002] SCGLR 797.

¹² At page 806.

¹³ (No 2) [2012] 2 SCGLR 845.

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"... requirements to be satisfied by anyone attacking discretionary power vested in administrative or public officers which are brought under the 1992 Constitution. Simply stated, the conditions or requirements which are to be satisfied by the complainant are that:

- "(a) the decision or action was unfair and unreasonable or did not comply with the requirements of the law (art 23);
- (b) the decision or action was not fair and candid (art 296 (a));
- (c) the decision or action was arbitrary, capricious or biased either by resentment, prejudice or personal dislike (art 296 (b));
- (d) the decision or action was not in accordance with due process of the law (art 296(b)).
- (e) The decision or action amounted to corruption or abuse of power (art 35(8)).

CONCLUSION.

50. On the criteria set out in the two cases discussed above, the instant petition has more than vindicated its merits. Each one of the counts set out in the petition by itself is a sufficient basis for the removal of the Honourable Chief Justice, [Her Ladyship Gertrude Torkonoo]. Taken together, the counts show a pattern of behaviour that makes Her Ladyship wholly unfit for this high office of Chief Justice. Her conduct has undermined the Constitution and the laws of Ghana which she swore an oath, on assuming the office, to uphold.
51. The Honourable Chief Justice has treated the office of Chief Justice as a personal fiefdom in which she sanctions, and signals her displeasure at, any actions of judges and administrative officials that go against her personal wish, while also dispensing favours to others, including seeking to have them appointed to the Supreme Court, just as she likes.
52. We, therefore, respectfully urge Your Excellency, in the shortest possible time, to consult with the Council of State to establish the committee that will inquire into these matters.

53. Our exhortation to Your Excellency to treat our petition with urgency, bolstered by the words of Asiamah JSC in the **Agyei Twum** case when he cautioned thus:

"If our notion of the judiciary as an instrument of justice is to endure, then the Chief Justice who is the head of this institution should not be seen to be manipulating the justice system by any overt or covert act of his by wilfully promoting the prostitution or corruption of the system through meddlesome interference in the judicial work of the judges and thereby rendering the judges automatons in the performance of the judicial responsibilities. If such a conduct becomes part of the modus operandi of the oversight responsibility of the Chief Justice, he will be seriously compromising his high office and be an anathema to our civilized society. The consequence that will inevitably flow from such a despicable behaviour may render him liable for removal under S 128 (4) of the Constitution for lacking in "high moral character and proven integrity".¹⁴

Your Petitioner



Daniel Ofori

Telephone and WhatsApp Number – 055 121 8589
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¹⁴ See page 811 of [2005-2006] SCGLR.

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PETITION TO PRESIDENT

14TH FEBRUARY, 2025

HIS EXCELLENCY,

THE PRESIDENT OF THE REPUBLIC OF GHANA,

FLAGSTAFF HOUSE,

ACCRA.

Dear Mr. President :

PETITION FOR THE REMOVAL OF THE CHIEF JUSTICE OF THE REPUBLIC OF GHANA HER LADYSHIP GERTRUDE SACKEY TORKORNOO CJ

PREAMBLE.

1. We, The Shinning Stars of Ghana, citizens of the Republic of Ghana, humbly submit our petition to your Excellency the President of the Republic of Ghana, praying for the removal of Her Ladyship Gertrude Sackey Torkornoo, the Chief Justice of the Republic of Ghana.

Our petition is initiated as a result of the Chief Justice's demonstration of:

- i. Stated Misbehaviour; and
- ii. Incompetence.

LEGAL BASIS OF OUR PETITION

2. Legally, our petition is grounded on Article 146 (1) of the 1992 Constitution of the Republic of Ghana which reads: "A Justice of the Superior Court or a Chairman of a Regional Tribunal shall not be removed from office except for Stated misbehaviour or incompetence or on ground of inability to perform the functions of his office arising from infirmity of Body or mind."

MEANING OF STATED MISBEHAVIOUR

3. According to Black's Law Dictionary (revised 4th edition), 1968: misbehaviour means "conduct: improper or unlawful behaviour".

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144 (2) The other Supreme Court Justices shall be appointed by the president acting on the advice of the Judicial Council in consultation with the Council of State and with the approval of Parliament.

144 (3) Justices of the Court of Appeal and of the High Court and Chairmen of Regional Tribunals shall be appointed by the president acting on the advice of the Judicial Council.

144 (4) Panel members of the Regional Tribunals other than the Chairmen shall be appointed by the Chief Justice in consultation with the Regional Co-ordinating Council for the region and on the advice of the Judicial Council.

7. A cursory look at Article 144 clearly indicates that, the Chief Justice is not mandated by any provision to officially make a request to the president regarding appointment of Justices to the supreme court.

8. Clearly, the action taken by the Chief Justice breaches Article 144 of the 1992 Constitution of the Republic of Ghana and meets the threshold of Stated Misbehaviour hence our humble prayer that Her Ladyship the Chief Justice of Ghana is removed from office to restore some dignity and public confidence at that high office.

ACTS OF INCOMPETENCE BY THE CHIEF JUSTICE

9. On 15th October, 2024, honorable Alexander Afenyo Markin invoked the original jurisdiction of the Supreme Court under Article 2 (1) (b) of the 1992 Constitution of the Republic of Ghana. The plaintiff's invocation was activated by a dispute surrounding the filing of nominations by some Members of Parliament (MPs) intending to contest the impending December 7, 2024 general elections either under the tickets of different parties or as independent candidates.

10. Among the issues set down by the plaintiff for determination (emphasis on issue 7 for the purpose of this petition) is:

"whether or not the Speaker of Parliament was in breach of the rules of natural justice (ie audi alteram partem rule) in declaring these four parliamentary seats vacant without giving the four affected Members of Parliament a hearing".

11. In our opinion, the Chief Justice who presided over the suit to determine whether or not the Speaker of Parliament was in breach of the rules of natural justice rather breached same rules in the process of making such determinations which amount to incompetence.

12. Our claim is substantiated by the ruling of *Afenyo v Speaker of Parliament and Attorney-General (Writ No. J1/02/2025)* dated 12 November, 2024 in which the court stated that: "Notably the 1st Defendant filed no processes in answer to this action". Our understanding is that

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20. We further express our opinion on the ruling of the Speaker's application that, The Chief Justice who presided over the above Application breached the rules of natural justice which has been raised to a constitutional right in Article 23 of the 1992 Constitution of Ghana. However, such a major breach by the Chief Justice in our opinion amounts to incompetence.

PROMINENCE GIVEN TO HEARING IN COURT

21. In the case of *R v Chancellor of the University of Cambridge (1723) 1 Str. 557, 567 per Fortescue J*, the Court of King's Bench ruled that: "The University of Cambridge acted unlawfully by depriving Dr. Bentley of his degrees without giving him a chance to defend himself". The ruling continued that: ".....even God himself did pass sentence upon Adam before he was called upon to make his defense".
22. Again, Dr. Date-Bah JSC delivering his opinion in the unanimous decision of the Supreme Court in the Case of *Republic v High Court, Denu, (Ex parte Agbesi Awusi III) (No. 2) Nyonyo Agboada (Sri III) interested party (2003-2004) SCGLR 907 at 924-925* stated that: "Natural justice or procedural fairness demands not only those affected by a decision should be given prior notice and an opportunity to be heard (audi alteram partem) rule, but also that there should be an entitlement to an unbiased decision maker (nemo iudex in causa sua and allied ideas)".
23. In the *Republic v High Court, Accra; ex parte Salloum & Ors (Coker, interested party), Suit No. J5/ 4/2011, unreported judgement of the Supreme Court rendered on 16th March, 2011*, Anin Yeboah JSC delivering the majority opinion of the Court, said: " The Courts in Ghana and elsewhere seriously frown upon breaches of the audi alteram partem rule to the extent that no matter the merits of the case, it's denial is seen as a basic fundamental error which nullify proceedings made pursuant to the denial ".
24. Moreover, in *Aidoo v Commissioner of Police (No.3) 1964 GLR 354 at 359 SC*, Ollenu JSC delivering the Judgment of the Court said: "Every discretion given to a court or judge must be judiciary exercised in such a manner, to use the oft repeated expression, so that justice must not only be done, but that it must manifestly be seen to have been done".
25. Finally, in the case of *Republic v High Court, Accra, Ex parte Salloum and others, (Senyo Coker interested party) (2011) 1 SCGLR 574, and the case of Awuku-Sao v Ghana Supply Co. Ltd (2009) SCGLR 710 at 722*, Adinyira JSC delivering unanimous opinion of the court said: "it is trite law and a cardinal principle of natural justice that no man shall be condemned unless he has been given prior notice of the allegation against him and a fair opportunity to be heard".
26. We believe and agree that all Courts of competent jurisdiction worldwide including the Supreme Court of Ghana uphold the rule of natural justice (audi alteram partem) rule in high esteem and accord it with all the prominence it deserves.

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33. Attached are copies of the Chief Justice's Proposal to the President and Eugene Arhin Press Release.

Humbly and Respectfully Submitted;

K. Agyei
Kingsley Agyei (Chairman and Convenor).

The Shinning Stars of Ghana,

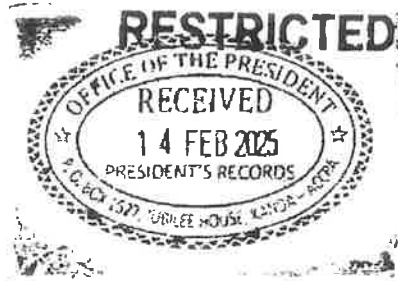
Accra,

Telephone: 0268155470

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14TH FEBRUARY 2025

H. E. JOHN DRAMANI MAHAMA
THE PRESIDENT OF REPUBLIC OF GHANA
JUBILEE HOUSE
ACCRA.



Dear Mr. President:

**PETITION FOR REMOVAL OF THE HONOURABLE CHIEF JUSTICE, HER
LADYSHIP JUSTICE GERTRUDE SACEY TORKONOO FROM OFFICE
PURSUANT TO ARTICLE 146 OF THE CONSTITUTION OF GHANA,
SECTION 16 OF THE JUDICIAL SERVICE ACT, 1960 (CA 10) AND THE
RULES OF CODE OF CONDUCT FOR JUDGES AND MAGISTRATES,
GHANA BY AYAMGA YAKUBU AKOLGO ESO.**

Introduction

1. I am Ayamga Yakubu Akolgo (Esq) and a senior police officer in the Ghana Police Service on the rank of Assistant Commissioner of Police (ACP). I am stationed at the National Police Headquarters, Accra. I humbly submit this petition to H.E. the President of the Republic of Ghana for removal of the Honourable Chief Justice of Ghana, Her Ladyship Justice Gertrude Sackey Torkonoo from office.
2. I respectfully make this petition pursuant to article 146 of the Constitution which provides for removal of the Chief Justice from office on grounds of stated misbehaviour (misconduct) and incompetence in the performance of her judicial functions.
3. I further make the petition pursuant to section 16 of the enabling statute, Judicial Service Act, 1960 (CA 10) on the basis that the Honourable Chief Justice is both member and head of the Judicial Service of Ghana.
4. The Judicial Service Act, 1960 (CA 10) provides for misconduct (stated misbehaviour) and incompetence relating to all members of the Judicial Service of Ghana. The enabling statute, Judicial Service Act provides clear basis for disciplinary action, sanction and regulations of conduct of judges and judicial officers serving in the Judicial Service.

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5. It is pertinent and for purposes of clarity to quote section 16 of the Judicial Service Act, 1960 (CA 10) which provides for stated misconduct and incompetence of judges: *"General definition of misconduct. Any act done without reasonable excuse by a judicial or executive officer which amounts to a failure to perform in a proper manner any duty imposed upon him as such, or which contravenes any enactment relating to the judicial service or which is otherwise prejudicial to the efficient conduct of the judicial service or tends to bring the judicial service into disrepute shall constitute misconduct."*
6. The petition is also pursuant to the Code of Conduct for Judges and Magistrates, Ghana ¹ because the Honourable Chief Justice is both a judge and head of the judiciary. She is under obligation to comply with the Code of Conduct for Judges. The Code sets ethical standards binding the Chief Justice. Any breach of the Code by any judge is subject to disciplinary action and punishment.
7. The relevant extracts from the Code are as follows: *"Purpose: Statement: The Code of Conduct denotes standards for ethical behaviour of judges... The Code is designed to assist judges in practising the highest standards of judicial and personal conduct and to establish a basis for disciplinary agencies to regulate judges' conduct ... Objective: The Code sets out appropriate standard of behaviour expected of judges and for which every judge at any of the judicial hierarchy is expected to strive to conform ... And where a member of the public suspects that there has been a failure to comply with the Code, to initiate the process for re-dress and appropriate sanctions against any erring judge ... Scope and Application: The Code shall apply to judges, magistrates and anyone performing judicial functions ... A judge shall respect and comply with the law, including the Code of Conduct and shall behave with decorum, propriety and utmost discretion.²... A judge shall not abuse the prestige of judicial office ³... A judge who commits a breach of any rule of this Code shall be sanctioned with reference to the gravity of the act or omission constituting the breach.⁴... A judge shall make every effort to ensure that his conduct is above reproach in the view of reasonable, fair minded and informed persons.⁵"*

¹ Hereinafter referred to as the Code.

² The Code, Rule 1 Propriety/Principle 1.

³ The Code, Rule 1 Propriety/Principle 2.

⁴ The Code, Purpose Scope Application.

⁵ The Code, Rule 4 Integrity Principle 1.

Facts

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8. On 14th November 2023 at about 11am, I was before the Supreme Court as an applicant in a case intitule *The Republic v High Court, Sekondi, Ex-parte Ayamga Yakubu Akolgo*, filed on 12th January 2023 with suit number J5/20/2023. ⁶ The court was constituted by five-member panel presided by the Honourable Chief Justice, Her Lady Justice Gertrude Sackey Torkonoo⁷. The parties to the case and legal representation were duly recorded and proceedings commenced.
9. A panel member, Justice Gabriel Pwamang inquired whether I appeared before the court on a different matter, I responded in the affirmative. I further added that I am a senior barrister of twelve (12) years standing at the bar. I stated that I am a senior police officer on the rank of Assistant Commissioner of Police (ACP). Justice Pwamang responded "very well."
10. The Chief Justice stated "move your motion." I stood up on my feet to move it and she intervened saying how long are you as barrister. I was surprised she asked this question. I just furnished the court with the elicited information a while ago when responding to Justice Pwamang. She is cognizant of the answer elicited. I need not repeat the known responding to her vexatious, discourteous and provocative question.
11. The Chief Justice proceeded to instruct the counsel for the other party in the case to argue a notice of preliminary legal objection he filed. I respectfully resumed my seat as courtesy demands. The said counsel submitted that he was not served with judgement and exhibits attached to the case before the court.
12. I responded that the motion, affidavit, judgment and exhibits were filed together. Justice Gabriel Pwamang agreed with me. Justice Gabriel Pwamang drew the attention of the Chief Justice to filed documents in support of my submission. Justice Pwamang asked the counsel if he wanted to be served with the said documents, he claims he does not have.

⁶ See Exhibit "A" Motion attach to this petition.

⁷ See Exhibit "C" Ruling of the court with names of the court panel as attached.

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13. It is the case that before the said counsel could respond to Justice Pwamang's query,⁸ the Chief Justice intervened asking if counsel could waive his right to service of the documents on him to enable the court dispose the case. The said counsel agreed with the counselled proffered by the Chief Justice.
14. The Chief Justice proceeded to instruct me to move my motion, I did. She enquired if I wanted entire judgment of the High Court quashed. I responded in the affirmative to the extent of the reliefs sought in the application.
15. Justice Emmanuel Yonny Kulendi stated that the case is appropriate for appeal, reasoning that they could not evaluate the depositions. I responded that references to the exhibits and judgment were clearly made in the submission to assist in the evaluation process. Justice Gabriel Pwamang concurred with Justice Kulendi to the effect that the first ground of the motion is appropriate for appeal. I responded it was about breach of natural justice and invokes the court's supervisory jurisdiction.
16. Midway in my submission, the Chief Justice alleged "You are shouting" and ordered me to resume my seat. I immediately resumed my seat in obedience to her order. I did not insist on continuing with my submission. The order to resume my seat truncated my submission. I did not have the opportunity to be heard on her allegation of shouting because I resumed my seat on her orders.
17. The characterisation on shouting and order to resume my seat truncated my submission. It made way for her to swiftly deliver the court's decision. The Chief Justice proceeded to read out the ruling⁸ dismissing the application that it has no merit but did not give reasoned judgment yet awarded cost against me.⁹ I remained seated, calm, silent and did not comment on the ruling. The ruling and award of cost brought the proceedings to a close and the court became functus officio.

⁸ See Exhibit "C" Ruling of the court

⁹ See Exhibit "C" Ruling or judgment.

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18. Following delivery of the ruling, the Chief Justice commenced off-judgment comments touching on my skills and competence as senior barrister. The comments were not in the decision she read out. The off-judgment remarks were to the effect that I was incompetent and unskilful senior barrister. Her off-judgments comments were made in a manner to disparage me.
19. Her body language and demeanour making the comments was disrespectful as the remarks. The comments were made out of personal resentments, prejudice and abuse of prestige judicial office and intended to ridicule and diminish my self-worth as senior barrister and person.
20. I reasonably felt the comments were discourteous, disrespectful and offensive because it did not reflect me. I am a person of great honour and integrity, skilful and competence in my professional and career endeavours. I was naturally offended. I patiently remained calm and waited for her to finish with her remarks. I respectfully responded to her comments in two words "I disagree" and she furiously, unilaterally and spontaneously orders "arrest him" "arrest him."
21. I was shocked at her reaction which was egoistic, emotional, absurd, rush of anger, wrongful and illegal. I knew the panel members of the court were surprised and shocked by her unreasonably orders. An ordinary and reasonable minded and informed person would have been surprised by her decision. It was ultra vires order made to humiliate, disgrace and denigrate me without just cause or due process of law.
22. The other panel members were never involved in the order to arrest. The arrest was not the court's decision, but her personal and emotional action. An arrest is a case of serious matter predicated on obvious imminent criminal conduct threatening life or property or imminent disorderly conduct which was not the case.
23. Arrest is such substantive matter which requires the court's decision, not unilateral decision by her. It was by reasonable standard wrongful arrest and detention and infringed on my dignity and human rights guaranteed by the Constitution.

24. I did not commit any criminal offence as provided in the Criminal Offence Act, 1960 (Act 29). I did not commit any criminal offence in the presence of a judge or the Chief Justice as judge to warrant the arrest. I was never a wanted person for which a warrant of arrest could have been issued for her to order the arrest.
25. I did not disturb or interrupts the court's proceedings. I did not insult any person or judge. I did not commit contempt of court. No proper due process of the law was followed before and after my arrest. No proper contempt of court proceeding took place before and after my arrest and detention.
26. Pursuant to her order a Police officer, Inspector Jacob Kwame Gone ¹⁰ approached me in the court room. I gently submitted to the arrest without disturbing the court. The Police Inspector escorted me outside the courtroom. I was held there over two hours, contrary to section 9 of the Criminal Procedure Act 30 which required the arrested taken to the nearest police station.
27. A senior Lawyer Addo Attuah approached me outside the court where I was held, he appears worried and concern about the arrest and detention which infringed on my fundamental human rights guaranteed by the Constitution. The lawyer counsels me to apologise to the Chief Justice for my liberty. I was not inclined to do so. I was not in contempt of court. I committed no criminal offense. I did nothing to justify the arrest. I was a victim of abuse of judicial office.
28. I was escorted into the courtroom and the Chief Justice mentioned my name. She inquired if I have anything to say. I did not say anything. I did not apologise. I was silent and hesitant to talk. I was shocked and traumatised by her treatment. She realised the predicament she put me in and turned to lawyer Addo Attuah. She listened to the lawyer and declared "You are discharged." I left the courtroom traumatised and humiliated.

¹⁰ Bodyguard to Justice Kulendi

29. I went to bed early than usual due to trauma and humiliation. At about 9:00pm I was called and alerted by colleague about online viral media portal awash with news of my arrest and detention. It was the law platform news portal which first published that I was arrested, detained and discharged and released for shouting at the court. The Ghanaweb and other news portals followed up with same story.¹¹ I must say that the media reports were inaccurate in respect of the reason for my arrest and detention.
30. The media reported that a lawyer and senior police officer shouted at the court and was arrested and detained. The publications suggested I am unprofessional police officer and lawyer who disrespected the judges and was arrested, detained and released. However, I did not offend the court, I did not insult any judge.
31. I did not commit criminal offence, and I did not commit contempt of court. I did boldly refuse to accept her unwarranted ascription of my competence and skills as senior barrister. She was emotionally bruised and abuse her judicial office to order my arrest and detention without justification or regards to due process of law.
32. On the matter of the arrest and detention and the media publication, I decided to request from the Supreme Court the record of what transpired. I applied for the judgment and record of proceedings¹² and obtained the ruling of the court¹³ which did not contain the off-judgment comments she made and my arrest and detention.¹⁴ I further applied for electronic record of the proceedings¹⁵ and was informed that no audio record is available on what transpired on the 14th November 2023.
33. I had to finally submit a search to obtain the record as to what transpired, Search report¹⁶. The search request was delivered to the Registrar of the court, Her Honour Ellen Ofei-Ayeh who doubles as Circuit Court Judge.

¹¹ See Exhibit "F" - Hard copy of the law platform and GHANAWEBONLINE

¹² See Exhibit "B" - Application for Ruling and Record of proceedings

¹³ See Exhibit "C" - Ruling of the Court on 14th November 2023.

¹⁴ See Exhibit "C" - Ruling of the Court on 14th November 2023

¹⁵ See Exhibit "D" - Application for electronic record

¹⁶ See Exhibit "E SERIES" - Search report

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34. I presented the search request to the registrar in the presence of the Deputy Registrars, Mr Nkansah and Mr. Aaron. I was informed by the registrar to wait because the search would have to be presented to the Chief Justice for her direction and approval of the answers. It was thus answered by the registrar under the direction, approval, instruction and supervision of the Chief Justice.
35. I received the search report and surprised it contained false statements and false entries to the effect that I was not arrested or detained. This constitutes fabrication of evidence in the search report. The Search report filed on 18th December 2023 states: *"was the applicant arrested in courtroom on 14th November 2023? NO. Was the applicant detained outside the courtroom on 14th November 2023? NO. Was there record of arrest and detention of applicant in the Court's Record Book? NO."*¹⁷
36. It contained fabricated evidence or false statements or false entries to deceive, cover up and pervert the course of justice. The search report denied my arrest and detention which constitute fabrication of evidence executed under the supervision and direction of the Chief Justice contrary to sections 213 and 214 of the Criminal Offences ACT 29. Its statements that I was not arrested and detained is complete falsehood. It concluded that no electronic recording was made on what transpired in court.¹⁸
37. I had to publish a rejoinder in the media in an attempt to refute false reportage and tell my story. The judicial service and the Chief Justice did not comment or issued statement to the media. The Ghanaian people and the public not properly informed of what transpired in court because no official communication was made to the public.
38. The arrest and detention of a Commissioner of Police and Barrister and Chartered Accountant by the Chief Justice is a public interest matter and required investigation. It is respectfully the case that only through this petition would the culpability or otherwise of the Chief Justice can be established.

¹⁷ See Exhibit "E SERIES" Search report

¹⁸ See Exhibit "E SERIES" Search Report

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39. It is the case that the Chief Justice's off judgment comments and order of arrest were wrong and she abuse judicial office which infringed on my human rights and dignity. Her conduct constitutes stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution, breaches section 16 of the Judicial Service Act, 1960, (CA 10) and the Code of Conduct for Judges and Magistrates, Ghana.

40. Her actions amounted to failure to perform her duty in proper manner, contrary to enactments which is otherwise prejudicial to the efficient conduct of the judicial service or tends to bring the judicial service into disrepute.

41. Her actions satisfy the threshold of incompetence and misconduct (stated misbehaviour) for her to be removed from office pursuant to article 146 of the Constitution, section 16 of the Judicial Service Act, 1960 (CA 10) and the Code of Conduct for Judges and Magistrates, Ghana.

Every Judge is accountable

42. A judge is not liable to any action or suit when she exercises the functions of judicial office as provided in article 127 (3) of the Constitution. Consistent with above said article 127 (3), I cannot sue or file an action at the Human Rights High Court for abuse of office or wrongful arrest and detention against the Chief Justice.

43. However, article 127 (3) of the Constitution does not confer absolute immunity for judges. Our judges are accountable under the Constitution for omissions in performance of their judicial functions.

44. The removal from office for stated misbehaviour and incompetence as provided in article 146 of the Constitution is a means of accountability of judges, exercising judicial functions.

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45. Article 146 of the Constitution qualifies article 127 (3) of the Constitution which granted judges immunity because they could be removed from office for incompetence and stated misconduct which is accountability.

46. The Constitution further makes every person including judges as equal before the law, article 17 (1) of Constitution: "*All persons shall be equal before the law.*" A judge is equal before the law. The Chief Justice is a judge thus equal before the law. She has no absolute immunity for omissions in administering justice on behalf of the people. This petition is intended to hold her accountable.

47. Accountable for her disrespectful comments, wrongly arrest and detention, failure to record in the court's record book occurrence and supervision of fabrication of evidence in search report to deceive, cover up and pervert the course of justice.

Suspension from office

48. The President can suspend the Chief Justice pending investigation in consultation with the Council of State. The nature of this case makes her continued stay in office pending investigation untenable.

49. She supervised fabrication of evidence or the making false statements or false entries in search report intended to cover up and pervert the course of justice. Clearly, it is inadvisable not to suspend her from office pending investigation.

50. It is probable and likely that she will temper and interfere with investigation and witnesses if she remains in office for the investigation to be carried out. The witnesses are her subordinates' judicial officers and junior judges. Clearly, she is in position of power, influence and authority to interfere with the investigation and witnesses.

51. It is not advisable for her to continue to stay in office when put under investigation. Her suspension from office pending investigation is assurance to safeguard tempering of investigation or witness interference. She ought to be suspended when investigation commences.

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In-Camera and confidentiality

52. This enquiry is required to be held in camera thus this petition is secret and confidential. On my part, I would not deliberately leak it to the public. The office of the President would equally treat it with the required confidentiality. It is expected the Chief Justice's office would treat these documents as confidential when investigation is underway.

53. It is the case that regardless of any leaks and the source of it, the effect does not truncate the removal process pursuant to article 146 of the Constitution. The Supreme Court made this foregoing decision that leaks of petition to remove a judge from office under article 146 of the Constitution does not truncate the in-camera proceedings.

Prima facie

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54. There can be no difficulty establishing prima facie of this petition. Prima facie means evidence or information that appears convincing or true at first glance which require further examination or evidence to confirm or refute. The facts and exhibits in this petition appear true and require the Chief Justice is put under investigation.

55. The case of **Agyei -Twum v. Attorney General and Akwetey (2005-2006) SCGLR 732** enjoins the President to make prima facie determination after receipt of the petition for removal of the Chief Justice. The undermentioned constitute indicative evidence or information to assist the President establish the required prima facie:

- On the face of this petition together with its exhibits, it is imperative to put her under investigation, pursuant to article 146 of the Constitution to establish her guilt or otherwise. It is a notorious known fact that I was arrested and detained on the orders of Chief Justice. However, search report or record filed at the Supreme Court indicates otherwise, this calls for investigation to confirm or refute the search report.
- The evidence on the face of this petition together with its exhibit establish that I was wrongly arrested and detained, later discharged and released without any charge or trial for any criminal offence. However, the Chief Justice in her authorised and supervised search report, she falsely supervised in a criminal enterprise by stating that I was not arrested and detained, this requires that in the public interest she is put under investigation to confirm or refute the serious criminality in the search report.
- The media reported that I was indeed arrested and detained for shouting at the judges, the search report shows otherwise, that I was not arrested, thus it is necessary to investigate and establish the veracity of the reportage and the search report vis-à-vis my account.
- The above points to prima facie case and requires the President to consider the nature of the allegations and suspend the Chief Justice from office in consultation with the Council of State and further in consultation with the Council of State appoint five-member committee to inquire into the conduct of the Chief Justice. The committee shall recommend to the President and he shall act according to the recommendation.

Summary of the facts

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56. A summary of the facts presented so far is that the Honourable Chief Justice committed stated misconduct and was incompetent. The incompetence and misconduct satisfy the threshold for her removal from office pursuant to article 146 (1) of the Constitution, section 16 of Judicial Service Act and the Code of Conduct for Judges and Magistrates, Ghana, in the following manner:

- It is the case that she made off-judgment comments to disparage my person, skills, competence as senior barrister.
- The comments were unprovoked, discourteous, disrespectful and intended to humiliate, denigrate, disgrace, and embarrass me publicly.
- Naturally as human being and professional, I respectfully responded to her off judgment comments in just two words: "I disagree" and she furiously, unilaterally, spontaneously and unreasonably orders my arrest and detention.
- Indeed, I was arrested and detained for about two hours outside the courtroom without being sent to the nearest police station as required by statute.
- I was subsequently sent back to the court room, discharged and released without any charge or trial for any offence.
- No proper or established procedure for contempt proceedings was adhered to before and after the arrest.
- I did not commit any criminal offence. I did not commit contempt of court. I did not disturb the court.
- I was arrested and detained in violation of my fundamental guaranteed human rights and dignity.
- The arrest and detention were abuse of prestige judicial office, breach of due process of law, rush of anger and intended to ridicule and publicly embarrass me as lawyer and police officer without justification.
- Her misconduct and incompetence satisfy the threshold for her removal from office.
- She failed to record in the court's record book the arrest and detention. The failure to record the occurrence constitute failure to perform judicial task essential for efficient operations of the court.

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- She approved, authorised and supervised the fabrication of evidence i.e., the making of false statements and entries in the search report to cover up what transpired with intent to deceive or obstruct or pervert the course of justice.
- Her misconduct and incompetence were without basis in law and infringed on my dignity, rights and has traumatised and ridiculed me.
- It is the case that she is answerable and accountable for her misconduct and incompetence pursuant to article 146 of the Constitution.
- A prima facie case is established at first glance of this petition and its exhibits.
- She should be suspended on consultation with the Council of State and put under investigation.
- If culpable after investigation, she should be removed from office by the President acting upon the five-member committee recommendation.

Some legal perspective (issues) arising from the facts

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57. The foregoing facts of the matter contained in this petition gave interesting legal perspective. I highlight the following legal perspectives or issues in support of her removal from office:

58. Whether or not the Chief Justice is incompetent and committed stated misbehaviour as provided in article 146 (1) of the Constitution, section 16 of the Judicial Service Act, 1960 (CA 10) and the Code of Conduct for Judges and Magistrates, Ghana constituting failure to perform duties in proper manner essential to the court's operations or contravenes enactments which otherwise prejudicial to the efficient conduct of the judicial service that tends to bring the judicial service into disrepute.

59. The above issue is broken down into tailored subheads:

1. Whether or not after delivery of judgment she made demeaning and disrespectful remarks against me as barrister - court user.
2. Whether or not a disagreeing response to her off-judgment demeaning remarks could reasonably authorise her to order my arrest and detention.
3. Whether or not a mere response disagreeing with off-judgment demeaning comments reasonably constitute contempt of court.
4. Whether or not the order of arrest and detention was her spontaneous and unilateral decision not the court's decision.
5. Whether or not she failed or neglected to record in the court's record book her order of arrest and detention.
6. Whether or not she fabricated evidence by approving the making of false statements and entries in the search report to pervert the course of justice and cover up what transpired.

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60. Subhead's issues and perspectives on the petition

ISSUE 1: *Whether or not after delivery of judgment she made demeaning and disrespectful remarks against me as barrister - court user.*

61. On 14th November 2023 my case was called for hearing. The names of parties and counsel representation were recorded. The proceedings commenced and ended by delivery of the ruling and award of cost. The Chief Justice delivered the ruling dismissing my case as without merit but no reasoning for the decision. See attached Exhibit "C" i.e., the Ruling.

62. I was calm, silent and seated when she delivered the ruling. Suddenly, I heard her making off-judgment demeaning remarks against me to the effect that I am incompetent senior barrister.

63. Her body language and demeanour making the remarks was equally disrespectful as the comments itself. The comments were made in a manner to ridicule, denigrate, spite and publicly humiliate or embarrass me as senior barrister.

64. The remarks were discourteous, disparaging, and disrespectful against my person and professional competence as barrister.

65. The off-judgment comments were abuse of prestige judicial office and constitute stated misbehaviour otherwise prejudicial to the efficient conduct of the judicial service and tends to bring the judicial service into disrepute.

66. The comments contravened the Code of Conduct for Judges and Magistrates, Ghana: *"A judge shall not abuse the prestige of judicial office"*¹⁹ and *"A judge shall respect and comply with the law, including the Code of Conduct and shall behave with decorum, propriety and utmost discretion"*.²⁰

¹⁹ The Code, Rule 1 Propriety Principle 2.

²⁰ The Code, Rule 1 Propriety Principle 1.

ISSUE 2: *Whether or not a disagreeing response to her off-judgment demeaning remarks could reasonably authorize her to order my arrest and detention.*

67. It is the case that the Constitution and statute law defined arrest and its circumstances. The law authorises police officers to arrest with or without warrant. A private person arrest is narrowly defined in situations where the offence is committed in his presence. Sections 9, 10 and 12 of the Criminal Procedure Act, 1960, (Act 30) supports the above statements.
68. A judge is not police officer and generally does not have police's powers of arrest as provided in sections 9, 10 and 12 of the Criminal Procedure Act, 1960, (Act 30). A judge's authority to arrest is clearly defined by law and the situation of 14th November 2023, did not authorise her as a judge to make the arrest in the manner she did.
69. It is the case that disagreeing response by a court user to a judge off-judgment remarks do not authorise the judge to order the arrest and detention of the court user. I can say with certainty that her order to arrest and detained me was contrary to statutes which conduct constitutes stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution, section 16 of the Judicial Service Act and the Code of Conduct for Judges.
70. I did not commit any criminal offence in the presence of a judge to order my arrest pursuant to section 17 of the Criminal Procedure Act, 1960, (Act 30): *"Where an offence is committed in the presence of a District Magistrate within the area of jurisdiction of the Magistrate, the Magistrate may arrest or order a person to arrest the offender, and may, subject to the conditions of the grant of bail, commit the offender to custody."*
71. I was not person for which facts were adduced on oath authorising her to order my arrest in pursuant to section 18 of the Criminal Procedure Act, 1960, (Act 30): *"Within the area of the jurisdiction of a District Magistrate, the Magistrate may arrest or direct the arrest in the presence of the Magistrate a person whose arrest on a warrant could have been lawfully ordered if the facts known at the time of making or directing the arrest had been stated before the District Magistrate on oath by another person."*

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72. It is submitted that the conditions in sections 17 and 18 of the Criminal Procedure Act 30 which grant authority for a judge to order arrest did not arise when I was arrested. It was wrong to order my arrest, respectfully disagreeing with her off-record comments do not warrant arrest and detention. The order of arrest was contrary to sections 9, 10, 12, 17 and 18 of the Criminal Procedure Act, 1960, (Act 30).

73. It is my humble submission that the arrest was influenced by anger, prejudice, personal resentment and malice. It contravened section 16 of the Judicial Service Act, 1960 (CA 10) and the Code of Conduct for Judges and Magistrates, Ghana. It was abuse of power and absurd: *"A judge shall not abuse the prestige of judicial office."*²¹ and *"A judge shall make every effort to ensure that his conduct is above reproach in the view of reasonable, fair minded and informed persons."*²²

74. It is my submission that the arrest and detention breach the law on arrest. It violated my constitutional right against unlawful arrest and detention, it was prejudicial to the efficient conduct of the judicial service and tends to bring the judicial service into disrepute thus constitute stated misbehaviour and incompetence as provide in article 146 (1) of the Constitution.

²¹ The Code, Rule 1 Propriety Principle 2.

²² The Code, Rule 4: Integrity Principle 1.

ISSUE 3: *Whether or not a mere response disagreeing with off-judgment demeaning comments reasonably constitute contempt of court.*

75. It is the case that the Chief Justice delivered the ruling of the court and afterwards made demeaning remarks that offended me. I respectfully submit that I did nothing in response to her comments save respectfully responding to her comments in two words: "I disagree." This innocuous response disagreeing with her demeaning comments against me made her to furiously order "arrest him, arrest him." I was arrested pursuant to her orders.
76. It is the case that my arrest was absurd because it's completely unreasonable to arrest because of response disagreeing with off-judgment demeaning comments by a judge and constitute abuse of judicial office and authority. I did not disturb the court proceedings save responding that I disagree with her comments against me. I did not obstruct court proceedings by disagreeing with the comments.
77. I did not in words or by conduct disrespect any judge by disagreeing with her comments against me. I did not challenge the authority of the court by disagreeing with her belittling comments against me. I did not challenge or insult any of the judges by disagreeing with the off-judgment disrespectful. I never disobey orders of the court or by disagreeing with the comments. I did nothing unreasonable or contemptuous of the court.
78. A fair-minded and reasonably informed person would not agree that disagreeing with a judge comment is arrestable. It is respectfully submitted that the arrest is contrary to the Code of Conduct for Judges: "*A judge shall make every effort to ensure that his conduct is above reproach in the view of reasonable, fair minded and informed persons.*"²³

²³ The Code, Rule 4: Integrity Principle 1.

79. Contempt of court as provided in article 12 of the Constitution states: "11. No person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed in a written law. 12 Clause (11) of this article shall not prevent a Superior Court from punishing a person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty is not so prescribed."

80. It is submitted that contempt of court as provided in article 12 of the Constitution is exercise of discretion. It is the case that being discretion, its exercise must be in accordance with article 296 of Constitution which provides:

"Where in this Constitution or in any other law discretionary power is vested in any person or authority –

- (a) that discretionary power shall be deemed to imply a duty to be fair and candid;*
- (b) the exercise of the discretionary power shall not be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law; and*
- (c) where the person or authority is not a judge or other judicial officer, there shall be published by constitutional instrument or statutory instrument, regulation that are not inconsistent with the provision of this Constitution or that other law to govern the exercise of the discretionary power."*

81. It is the case that contempt of court is discretion which is vested in the court and its exercise must be fair, candid and not arbitrary, capricious, prejudicial or personal dislike must be in accordance with due process of law.

82. I did not commit contempt of court within a reasonable meaning of articles 12 and 296 of the Constitution to be arrested on her orders. The order of arrest was prejudicial, abuse of judicial office and it was wrongful.

83. The arrest was never in exercise of proper or reasonable contempt of court as envisaged in articles 12 and 296 of the Constitution thus disagreeing with off-judgement comment is never an insult or disrespect or contempt of court and did not require arrest by reasonable exercise of discretion or contempt of court.

ISSUE 4: *Whether or not the order of arrest and detention was her spontaneous and unilateral decision not the court's decision.*

88. It is the case that I respectfully disagreed with the Chief Justice's off-judgment demeaning comments against me. She spontaneously, unilaterally and without inviting the other members constituting the court reacted to my disagreement orders: "arrest him arrest him". Her order to arrest me was immediate, instantaneous, spontaneous and unilateral where there was no imminent threat to life or imminent disorderly conduct emanating from me and there was no appearance of a reasonable judicial urgency for her rush order to arrest, without the involving of the court properly constituted.
89. The court was constituted by five-member panel. It is submitted that the panel members may probably and reasonably not concur with her decision to arrest, hence her rush to unilaterally order the arrest. The involvement of the other panel members may have averted the arrest and detention. The order to arrest and detain is such a serious and substantive matter by itself with distinct cause of action which requires the court's decision, not unilateral action or prejudicial decision or by rush of anger or personal dislike.
90. Her unilateral decision to arrest was out of ego, prejudicial, arbitrary and personal resentment. She assumed onto herself powers of the court without recourse to the court. The arrest was contrary to the Code of Conduct for Judges: *"A judge shall respect and comply with the law, including the Code of Conduct and shall behave with decorum, propriety and utmost discretion."*²⁵ *A judge shall not abuse the prestige of judicial office* ²⁶
91. It is respectfully submitted that the arrest was unreasonably unilateral and resulted in my humiliation and embarrassment which constitutes stated misbehaviour and incompetent performance of duty otherwise prejudicial to the efficient conduct of the judicial service and tends to bring the judicial service into disrepute.

²⁵ The Code, Rule 1 Propriety Principle 1.

²⁶ The Code, Rule 1 Propriety/Principle 2.

ISSUE 5: *Whether or not she failed or neglected to record in the court's record book her order of arrest and detention.*

92. The basic task of every judge is to keep accurate and true record of what transpired in the court's record book. The Supreme Court is a court of record judges are required to keep accurate and true record of proceedings. Failing or neglecting to record constitutes stated misbehaviour and incompetence and noncompliance with the Code of Conduct for Judges and section 16 of Judicial Service Act (CA 10).
93. The evidence as admitted in the search report is the Chief Justice did not record her order of arrest and detention: "*Was there record of arrest and detention of applicant in the Court's Record Book? NO*".²⁷ Respectfully, there was no proper record of what transpired in court before and after my arrest and detention,
94. It was deliberate failure to record thereby deny me a decisional record of the court's transgression which could enable me challenge the arrest in a review proceeding. It is the case that without evidential record that I was arrested and detained, I cannot take review action at the special and final review bench of the Supreme Court in respect of her excesses.
95. Her failure to record contravened the Code of Conduct of Judges and Magistrates, Ghana which provides "*A judge shall devote his professional activity to judicial duties broadly defined, which include not only presiding in court and making decisions, but other judicial tasks essential to the court's operations*"²⁸...*A judge shall endeavour to perform all judicial duties, including the delivery of reserved judgments, with reasonable promptness*"²⁹
96. Her failure or negligence to record her comments and order of arrest was to cover up her transgression which conduct constituted dereliction of duty to perform judicial task essential for the court's efficient operations, constituting stated misbehaviour and incompetence.

²⁷ Exhibit "E SERIES"

²⁸ The Code Rule 3 Diligence Principle 1

²⁹ The Code Rule 3 Diligence Principle 3

ISSUE 6: *Whether or not she fabricated evidence by approving the making of false statements and entries in the search report to pervert the course of justice and cover up what transpired.*

97. It is trite law that making false statements or false entries in official record constitute fabrication of evidence which is criminal offence. The fabrication of evidence in official record such as search report intended to deceive public officers or obstruct justice or pervert the course of justice is criminal offence.
98. A search report is official judicial record and it is essential that it reflect reality and what its purports to mean. It is imperative that entries or statements in any search record must reflect accurately what it purports to mean, otherwise it may constitute criminal conduct or offence.
99. Section 213 of the Criminal Offences Act, 1960 (Act 29) provides that fabrication of evidence or the making false statements or entries to deceive or obstruct or pervert the course of justice is crime: *"A person who fabricates evidence, with intent to defeat, obstruct, or pervert the course of justice in a proceeding, commits a criminal offence and is liable to the same penalties as if that person had committed perjury in that proceeding"*
100. Section 214 of the Criminal Offences Act, 1960 (Act 29) defined fabrication of evidence as: *"A person fabricates evidence if that person causes a circumstance to exist, or makes a false entry in a book, an account, or a record, or makes a document containing a false statement, or forges a document, with intent to mislead a public officer, judge, or juror acting in a judicial proceeding."*
101. It has been established that in open court the Honourable Chief Justice on 14th November 2023 ordered my arrest and detention. Indeed, I was arrested and detained pursuant to her order. I was subsequently discharged and released without charge or trial after the arrest and detention.
102. The media was present in the court and reported the arrest and detention. The media reported the reason for the arrest inaccurately and misled the world. I sought to obtain the accurate record at the court's registry by means of search report.³⁰ It was my expectation to have answers that truly and accurately reflects what transpired in court yet I was disappointed in that respect.

³⁰ Exhibit "E SERIES"

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103. The search report stated that I was never arrested and detained. The search report filed on 18th December 2023 stated: *"was the applicant arrested in courtroom on 14th November 2023? NO. Was the applicant detained outside the courtroom on 14th November 2023? NO. Was there record of arrest and detention of applicant in the Court's Record Book? NO."*³¹
104. I did submit the search request to the registrar of the court. She received it and informed me that it would be sent to the Chief Justice for her direction and answers. Consequently, the search record was answered under the direction, supervision, approval and consent of the Chief Justice.
105. The search record answers as approved and directed by her contained false statements or false entries to cover up what transpired. The answers in the search report were false and intended to deceive, obstruct and pervert the course of justice and contrary to law.
106. It is submitted that the Chief Justice knew and approved of the false statements in the search record. She knew the answers were completely false. She knew the answers in the report did not reflect what transpired in court yet she authorised and approved same. She knew the statements and answers contained in the search record was fabricated evidence.
107. She knew that search report is official document to be presented in a proceeding before a public officer or judge in a proceeding yet she supervised its fabrication with intent to deceive, obstruct and pervert the course of justice, contrary to law which constitutes stated misbehaviour as provided in article 146 (1) of the Constitution.
108. It is the case that her conduct contravened section 213 of the Criminal Offences, 1960, (Act 29) and section 16 of the Judicial Service Act 1960, (CA 10) and the Code of Conduct for Judges and Magistrates, Ghana which conduct was improper performance of duty, contrary to enactments relating to the judicial service, otherwise prejudicial to the efficient conduct of the judicial service and tends to bring the judicial service into disrepute.

³¹ Exhibit "E SERIES"

109. **Propose Charge Sheet: stated misbehaviour and incompetence:**

Count One

Statement of offence

Disrespectful, disparaging and mockery remarks without decorum against court user, a conduct consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo, on 14th November 2023 at about 11:30 am while presiding the Supreme Court in a case titled, The Republic v. High Court, Ex-parte Ayamga Yakubu Akolgo, after you delivered judgment, did make discourteous and disrespectful and mocks a court user Ayamga Yakubu Akolgo about his seniority and competence as barrister with intent to humiliate, denigrate and impugn his person and competence as senior barrister, a conduct which is consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Court Two

Statement of offence

Disrespectful, disparaging and mockery remarks against court user, contrary to section 16 of Judicial Service Act 1960 (CA10) a conduct consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo, on 14th November 2023 at about 11:30 am while presiding the Supreme Court in a case titled, The Republic v. High Court, Ex-parte Ayamga Yakubu Akolgo, after you delivered judgment, did make discourteous and disrespectful and mocks a court user Ayamga Yakubu Akolgo about his seniority and competence as barrister with intent to humiliate, denigrate and impugn his person and competence as senior barrister, a conduct which is consistent with stated misbehavior as provided in article 146 (1) of the Constitution and contrary to section 16 of the Judicial Service Act (CA 10), a conduct otherwise prejudicial to the efficient conduct of the judicial service or tends to bring the judicial service into disrepute.

RESTRICTED

Count Three

Statement of offence

Disrespectful, disparaging and mockery remarks against court user without decorum, propriety and utmost discretion contrary to the Code of Conduct for Judges and Magistrates, Ghana, Rule 1; Propriety; Principle 1, a conduct consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo, on 14th November 2023 at about 11:30 am while presiding the Supreme Court in a case titled, The Republic v. High Court, Ex-parte Ayamga Yakubu Akolgo, after you delivered judgment, did make discourteous and disrespectful and mocks a court user Ayamga Yakubu Akolgo about his seniority and competence as barrister with intent to humiliate, denigrate and impugn his person and competence as senior barrister, a conduct which is consistent with stated misbehavior as provided in article 146 (1) of the Constitution and without decorum, propriety and utmost discretion contrary to the Code of Conduct for Judges.

Count Four

Statement of offence

Wrongful arrest and detention of court user contrary to sections 9, 10, 12, 17 and 18 of the Criminal Procedure Act, 1960, (Act 30) and consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 at about 11:30 am, you did make off-judgment demeaning remarks against court user-barrister Ayamga Yakubu Akolgo and the barrister responded disagreeing with the comments, you suddenly ordered his arrest and detention, a conduct contrary to due process of the law and violating procedures set out in the Criminal Procedure Act, 1960, (Act 30) which conduct is stated misconduct and incompetence as provide in article 146(1) of the Constitution.

RESTRICTED

Count Five

Statement of offence

Wrongful arrest and detention of court user-barrister contrary to sections 9, 10, 12, 17 and 18 of the Criminal Procedure Act, 1960, (Act 30) which conduct constitute failure to perform in proper manner judicial duty provided in section 16 of Judicial Service Act 1960 (CA10) a conduct consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 at about 11:30 am, you did make off-judgment demeaning remarks against court user-barrister Ayamga Yakubu Akolgo and he responded disagreeing with the comments and you suddenly ordered his arrest and detention contrary to due process of the law and section 16 of the Judicial Service Act which conduct otherwise prejudicial to the efficient conduct of the judicial service or tends to bring the judicial service into disrepute and constituting stated misconduct and incompetence as provide in article 146(1) of the Constitution.

Count Six

Statement of offence

Wrongful arrest and detention of court user-barrister contrary to sections 9, 10, 12, 17 and 18 of the Criminal Procedure Act, 1960, (Act 30) and constituting abuse of prestige judicial office as provided in Rule 1; Propriety; Principle 2 of the Code of Conduct for Judges and Magistrates, Ghana a conduct constituting stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 at about 11:30 am. you did make off-judgment demeaning remarks against court user-barrister Ayamga Yakubu Akolgo and he responded disagreeing with the comments and you suddenly ordered his arrest and detention, a conduct constituting abuse of prestige judicial office as provided in Rule 1; Propriety; Principle 2 of the Code of Conduct for Judges and Magistrates, Ghana and consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Count Seven

Statement of offence

Wrongful arrest and detention of court - user barrister indicative of abuse of judicial office or abuse of power of contempt of court which amount to failure to perform judicial duty in a proper manner as provided in articles 12 and 296 of the Constitution, constituting stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 you made off-judgment demeaning remarks against court user - barrister Ayamga Yakubu Akolgo and when he responded disagreeing with the demeaning comments you by rush of anger and abuse of the prestige of judicial office unilaterally and spontaneously orders his arrest and detention and subsequently discharged and release him without charge or trial for any offence, a conduct prejudicial to the efficient conduct of the judicial service or tends to bring the judicial service into disrepute and constitutes stated misconduct and incompetence.

Count Eight

Statement of offence

Wrongful arrest and detention of court - user barrister indicative of abuse of judicial office which amount to failure to perform judicial duty in a proper manner as provided in articles 12 and 296 of the Constitution and contrary to section 16 of Judicial Service Act 1960 (CA10), constituting stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 you did make off-judgment demeaning remarks against court user - barrister Ayamga Yakubu Akolgo with the intent to embarrass, denigrate and ridicule him and he responded disagreeing with the comments and by rush of anger and abuse of the prestige of judicial office, you unilaterally and spontaneously orders his arrest and detention and subsequently discharged and released him without charge or trial for any offence, a conduct which is otherwise prejudicial to the efficient conduct of the judicial service and consistent with stated misconduct and incompetence as provided in article 146 (1) of the Constitution.

Count Nine

Statement of offence

Wrongful arrest and detention of court - user barrister indicative of abuse of judicial office which amount to failure to perform judicial duty in a proper manner as provided in articles 12 and 296 of the Constitution and contrary to the Code of Conduct for Judges and Magistrates, Ghana, Rule 1; Propriety; Principle 2 a conduct constituting stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 did make off-judgment demeaning remarks against court user - barrister Ayamga Yakubu Akolgo with the intent to embarrass, denigrate and ridicule him and he responded disagreeing with the comments, by rush of anger and abuse of the prestige of judicial office, you unilaterally and spontaneously orders his arrest and detention and subsequently discharged and released him without charge or trial for any offence, a conduct which is abuse of office, otherwise prejudicial to the efficient conduct of the judicial service and consistent with stated misconduct and incompetence as provided in article 146 (1) of the Constitution.

Count Ten

Statement of offence

Failure or negligence to record or cause to be recorded in the Supreme Court's Record book, order of arrest and detention of court user without reasonable excuse, contrary to stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 while presiding Supreme Court case titled Republic v. High Court, Exparte Ayamga Yakubu Akolgo, you ordered and caused the arrest and detention of court user - barrister Ayamga Yakubu Akiolgo and you later discharged and released him without charge or trial for any offence and failed or neglected to record the occurrence in the court's record book with the intent to cover up or obstruct the course of justice, a conduct consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

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Count Eleven

Statement of offence

Failure or negligence to record or cause to be recorded in the Supreme Court's Record book, order of arrest and detention of court user without reasonable excuse, contrary to section 16 of Judicial Service Act 1960 (CA10) which conduct is consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 while presiding over Supreme Court case titled Republic v. High Court, Exparte Ayamga Yakubu Akolgo, you ordered and caused the arrest and detention of court user - barrister Ayamga Yakubu Akiolgo and you later discharged and released him without charge or trial for any offence and failed or neglected to record the occurrence in the court's record book, a conduct amounting to a failure to perform your duties essential to the court's efficient operations which otherwise brings the judicial service into disrepute and consistent with stated misbehavior and incompetence provided in article 146 (1) of the Constitution.

Count Twelve

Statement of offence

Failure or negligence to record or cause to be recorded in the Supreme Court's Record book, order of arrest and detention of court user - barrister without reasonable excuse, contrary to Rule 3; Diligence; Principle 1 of the Code of Conduct for Judges and Magistrates, Ghana which conduct is consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 while presiding Supreme Court case titled Republic v. High Court, Exparte Ayamga Yakubu Akolgo, you ordered and caused the arrest and detention of court user - barrister Ayamga Yakubu Akiolgo and you later discharged and released him without charge or trial for any offence and failed or neglected to record the occurrence in the court's record book with the intent to cover up or obstruct the course of justice, a conduct consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

RESTRICTED

Count Thirteen

Statement of offence

Failure or negligence to record or cause to be recorded in the Supreme Court's Record book, order of arrest and detention of court user - barrister without reasonable excuse, contrary to Rule 3; Diligence; Principle 3 of the Code of Conduct for Judges and Magistrates, Ghana which conduct is consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 while presiding Supreme Court case titled Republic v. High Court, Exparte Ayamga Yakubu Akolgo, you ordered and caused the arrest and detention of court user - barrister Ayamga Yakubu Akiolgo and you later and discharged and released him without charge or trial for any offence and failed or neglected to record the occurrence in the court's record book with the intent to cover up or obstruct the course of justice, a conduct consistent with stated misbehavior and incompetence as provided in article 146 (1) of the Constitution.

Count Fourteen

Statement of offence

Fabrication of evidence or making false entries or statements in official document, a search report with intent to deceive or obstruct or pervert the course of justice, contrary to sections 213 and 214 of the Criminal Offences Act, 1960 (Act 29) and constituting stated misconduct as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 did order and caused the arrest and detention of court user - barrister Ayamga Yakubu Akolgo and you later discharged and released him without charge or trial for any offence and subsequently authorized, supervised and approved false entries and statements in search report filed on 18th December 2023 at the Supreme Court Registry with intent to deceive, obstruct and pervert the course of justice, a conduct prejudicial to the efficient conduct of the judicial service that brings the judicial service into disrepute and consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Count Fifteen

Statement of offence

Fabrication of evidence or making false entries or statements in official document, a search report with intent to deceive or obstruct or pervert the course of justice, contrary to section 16 of the Judicial Service Act 1960 (CA 10) and sections 213 and 214 of the Criminal Offences Act, 1960 (Act 29) consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 did order and caused the arrest and detention of court user - barrister Ayamga Yakubu Akolgo and you later discharged and released him without charge or trial for any offence and subsequently authorized, supervised and approved false entries and statements in search report filed on 18th December 2023 at the Supreme Court Registry with intent to deceive, obstruct and pervert the course of justice, a conduct prejudicial to the efficient conduct of the judicial service that brings the judicial service into disrepute and consistent with stated misbehavior as provided in article 146 (1) of the Constitution.

Count Sixteen

Statement of offence

Fabrication of evidence or making false entries or statements in official document, a search report with intent to obstruct or pervert the course of justice, contrary to Rule 1: Propriety: Principle 1 of the Code of Conduct for Judges and Magistrates, Ghana sections 213 and 214 of the Criminal Offences Act, 1960 (Act 29) consistent with stated misconduct as provided in article 146 (1) of the Constitution.

Particulars of offence

For that you, Her Lady the Chief Justice, Justice Gertrude Sackey Torkonoo on 14th November 2023 did order and caused the arrest and detention of court user - barrister Ayamga Yakubu Akolgo and you later discharged and released him without charge and subsequently authorized, supervised and approved false statements in search report filed on 18th December 2023 at the Supreme Court Registry, a conduct prejudicial to the efficient conduct of the judicial service or brings the judicial service into disrepute.

Conclusion

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110. This my respectful petition is made in good faith to ensure judicial accountability. The Chief Justice is equal before the law. She is accountable for omissions arising from the exercise of judicial office. The prescribed procedure towards judges' accountability is provided in article 146 of the Constitution, section 16 of the Judicial Service Act and the Code of Conduct for Judges and Magistrates, Ghana.

111. I did nothing criminal to be arrested and detained on her orders. I did not commit contempt of court. She made demeaning comments specifically directed at my person. I did respond disagreeing with her demeaning comments. Suddenly, she furiously and unilaterally orders my arrest and detention for disagreeing with her demeaning comments.

112. She abuses the sacred judicial office by wrongly caused my arrest and detention. The arrest and detention were capricious, unreasonable, unilateral and without justification, constituting stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution. The arrest and detention infringed on my rights, dignity and resulted in pain, trauma and humiliation.

113. She failed or neglected to perform her judicial duty of recording the occurrence in the court's record book. She authorised, supervised and approved false statements or false entries in the search report. She supervised the false statements in the search was intended to deceive, cover up or obstruct or pervert the course of justice, constituting criminal fabrication of evidence, contrary to statutes, the Code of Conduct for Judges and consistent with stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution.

114. The means of making her accountable is this removal petition. The petition and its exhibits are true, accurate, reliable, cogent and established prima facie case of judicial misconduct and incompetence.

115. The petition together with the evidence satisfy the threshold for her suspension pending investigation by your committee. She continues stay in office pending investigation likely to interfere with witnesses and investigation. If found culpable after investigation, she ought to be removed from office to serve as deterrence, no matter whose axe is gored.

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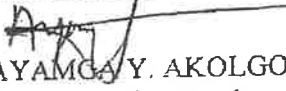
116. The undermentioned documents or evidence attached in support of the petition:
- Exhibit "A" - Certiorari application filed 12th January 2023 by petitioner.
 - Exhibit "B" - Application for copy of record of proceedings/judgement dated 16th November 2023.
 - Exhibit "C" - Ruling of Court dated 14th November 2023.
 - Exhibit "D" - The application for electronic record of proceedings.
 - Exhibit "E-SERIES" - Search Record filed 14th December 2023.
 - Exhibit "E-SERIES" - Continuation of Search Record, filed 18th December 2023.
 - Exhibit "F" - The Law platform online and Ghana web online portals.

117. Witnesses and source of evidence:

- Addo Attuah, Esq.
- Gabriel Pwamang, JSC.
- Emmanuel Yonny Kulendi, JSC.
- Barbara F. Ackah-Yensu, JSC.
- George K. Koomson, JSC.
- Ellen Ofei-Ayeh, H.H, Registrar of Supreme Court.
- Mr Kwabena Isaac Nkansah, Deputy Registrar - Supreme Court.
- Mr. Aaron, Deputy Registrar - Supreme Court.
- Madam Joyce, Court Clerk - Supreme Court.
- Police Inspector Jacob Kwame Gone - Supreme Court
- Mr. James, Court Clerk - Supreme court.
- Mr. Richard Oppong, ICT Officer - Supreme Court.
- Electronic recording device - Supreme Court.
- CCTV footage 14th November 2023 - Supreme Court.
- The Ghanawebonline.com: arrest of senior police officer and lawyer on orders of the Chief Justice.
- The Law platform online: arrest of senior police officer and lawyer on orders of the Chief Justice.

Respectfully submitted, Your Excellency.

PETITIONER


AYAMGA Y. AKOLGO (ESQ.)
National Police Headquarters
Accra.
ayamga@yahoo.com

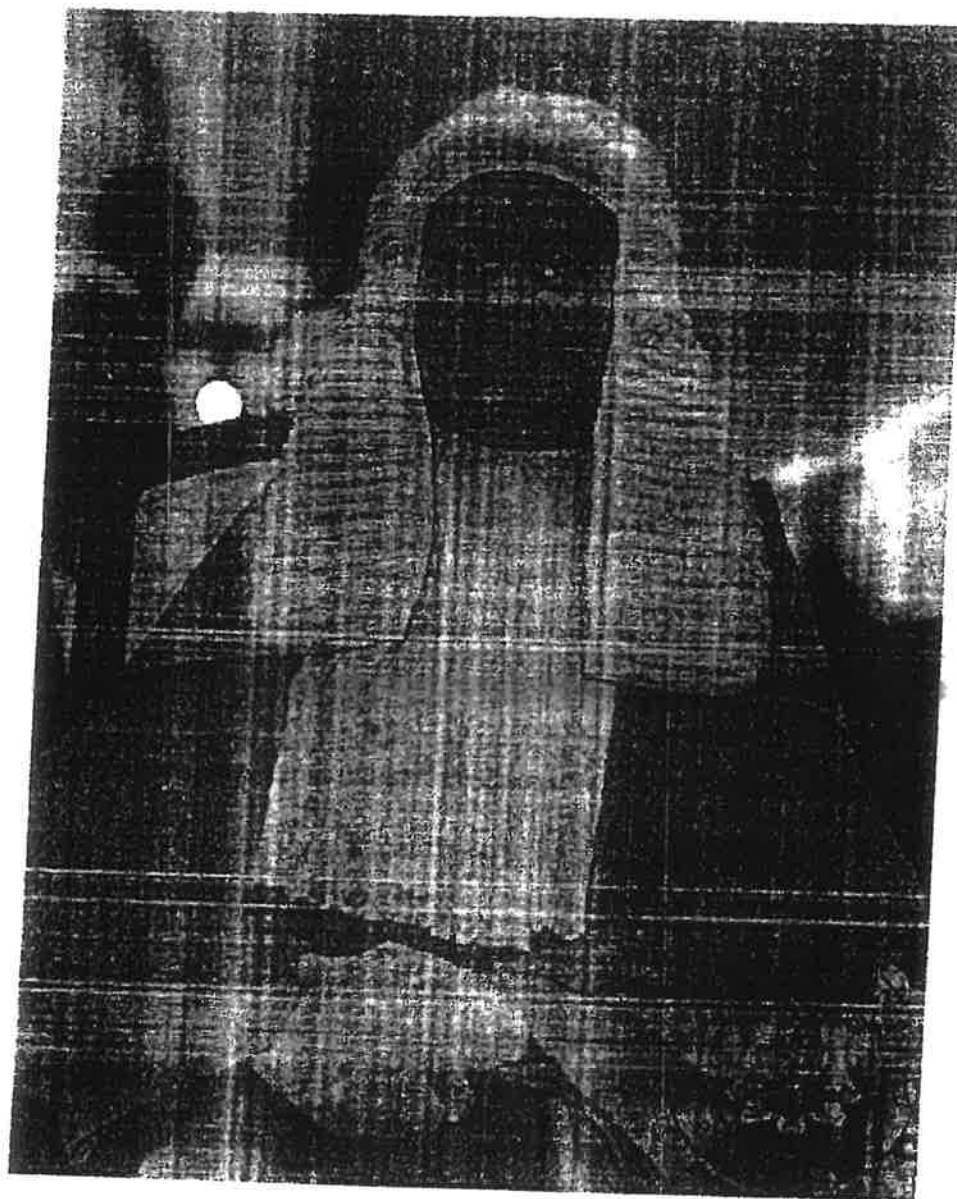
EXD: "F"

IN THE NEWS

Supreme Court arrests and detains lawyer for Contempt of Court

THE LAW PLATFORM

© UPDATED Nov 29, 2023



Mr. Akolgo Yakubu Ayamga, an Assistant Superintendent of the Ghana Police Service and a lawyer with the Legal Department of the Service was arrested and detained today 14th of November 2023 during proceedings in the

LAW
PLATFORM

ICTED

Mr. Addo Attuah, the most senior lawyer in the Supreme Court chamber and Dr. Bassit Bamba rose to their feet one after the other to plead with the Court to pardon the contemnor-police officer and lawyer who said he was 12 years at the bar after being quizzed by the Bench for his years at the bar.

On hearing the contempt against Mr. Ayamga, the Chief Justice said his conduct was not befitting of a lawyer. On his feet, Mr. Addo Attuah, a senior lawyer and retired police officer pleaded clemency for his learned friend and junior at the bar. He said he was not happy himself with the conduct of Mr. Ayamga who for him had lost his self-control. Mr. Attuah said Mr. Ayamga was still learning the ethics and etiquette of the profession and thus, should be pardoned.

[Ad]

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 📧 rwabena@boatline123@gmail.com
 📞 0243233368 / 0540022258

🏢 Boatline Enterprise
 🏢 Boatline Enterprise
 🏢 Boatline Enterprise

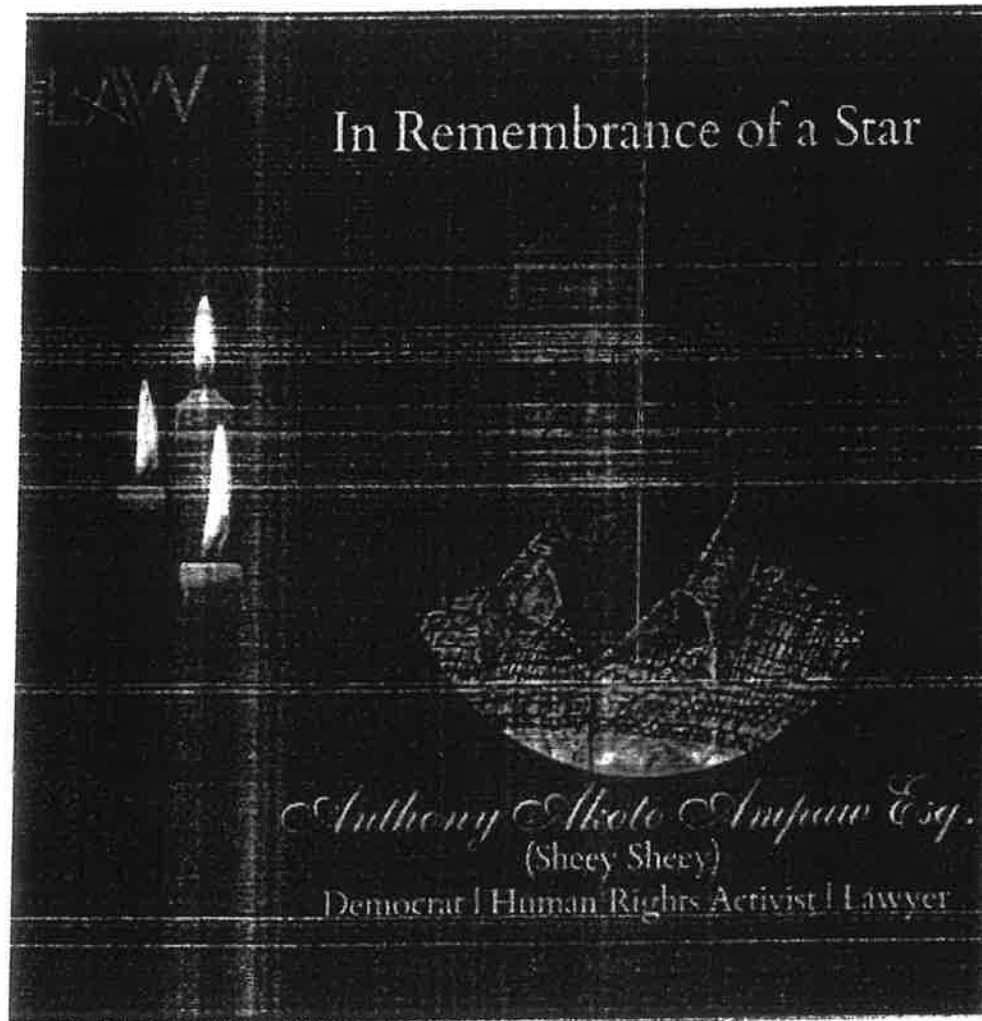
🚗 TOYOTA 🚗 KIA 🚗 HYUNDAI 🚗 MITSUBISHI

Given the report and complaint by lawyer on the other side against the conduct of Mr. Ayamga at the Takoradi High Court, Her Ladyship the Chief Justice was worried about the conduct of Mr. Ayamga at the bar in courts below the Supreme Court given the display of his unethical conduct to no less a court than the Supreme Court.

Continuing the sermon by the court to Mr. Ayamga on his bad conduct, Justice Pwamang said if Mr. Ayamga is prosecuting a matter in court, he should know he is operating in an arena of rules and thus, aggression does not help the court

The visibly incensed police officer and lawyer was arrested for contemptuous conduct against the court when he shouted at the Supreme Court Bench in vehement disagreement over a dismissal of his application and the award of a cost of GHC 10,000 against his side.

[Ad]



Mr. Ayamga who had lost control over himself and shouted at the Bench presided by no less a person than the Chief Justice herself was marched out of the Court room to a detention room after the Chief Justice in open court said the Bench is citing him for contempt and thus ordering his arrest to be escorted by the police out of the chamber of the court. He was to be detained for his contempt and tried by the court after handling all cases listed for the day.

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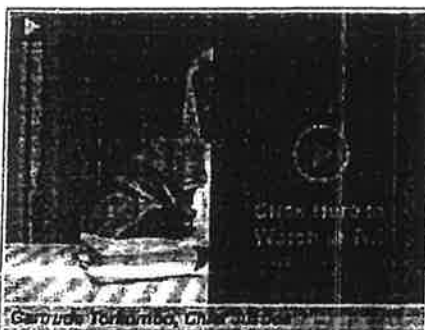


THE GREENS
...Behind the Scenes



Supreme Court orders detention of police officer for shouting at Chief Justice during proceedings

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Akolgo Yakubu Ayamga, an Assistant Superintendent of the Ghana Police Service and a practising lawyer was arrested and detained by the Supreme Court for contempt during court proceedings according to a report filed by thelawplatform.online.com

The incident is said to have occurred on the 14th of November 2023 when Ayamga, visibly angered by the dismissal of his application, shouted at the Supreme Court bench, including the Chief Justice.

The outburst deemed contemptuous by the Chief Justice, led to Ayamga's immediate arrest and detention. Chief Justice Gertruda Torkomoo, presiding over the bench, ordered his removal from the courtroom, citing him for contempt.

Ayamga was then escorted to a detention room, where he awaited trial for his actions.

The report explained that Ayamga disagreed with the dismissal of his application and the subsequent imposition of a GH¢ 10,000 cost against his side. His emotional response, particularly directed at the Chief Justice, prompted the court's decision to take swift action.

Senior members of the legal community, including Addo Attuah and Dr. Bassit Bamba, rose to plead for clemency on behalf of Ayamga. Despite their efforts, the Chief Justice expressed concern over Ayamga's conduct, referencing a previous report from the Takoradi High Court to highlight similar behaviour.

The Chief Justice remarked that Ayamga's actions were unbecoming of a lawyer and emphasized the importance of maintaining professionalism and ethical standards in court.

One Justice Pwamang is reported to have advised Ayamga that aggression has no place in a courtroom and urged him to adhere to the rules of the legal arena.

Following the pleas for mercy, the Chief Justice decided to discharge Ayamga, cautioning him against repeating such behaviour.

Addo Attuah, acknowledging Ayamga's learning curve, urged leniency, emphasizing that Ayamga was still navigating the intricacies of legal ethics.

Justice Kwandibambe, on the other hand, used the opportunity to deliver a brief lecture on effective advocacy, likening it to the art of winning a woman. He emphasized that courts are swayed by persuasion, not aggression, prompting laughter from both the gallery and the bench.

**HONOURABLE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA**



April 7th 2025

HIS EXCELLENCY

THE PRESIDENT OF THE REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

JUBILEE HOUSE - ACCRA

Your Excellency,

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT... REFERRED
TO IN THE AFFIDAVIT...
SWORN BEFORE ME THIS...
DAY OF...
COMMISSIONER FOR OATHS

**FINAL RESPONSE TO CHARGES IN PETITION FOR THE
REMOVAL OF THE HONOURABLE CHIEF JUSTICE BY AYAMGA
YAKUBU AKOLGO ESQ, SHINING STARS, AND DANIEL OFORI**

Respectfully, on 7th April 2025, I wrote to His Excellency the President noting that page 21 of the Petition of Ayamga Akolgo Esq did not form part of the copy of the Petition given to me. Your Excellency's office graciously gave me a new copy of the Petition that included page 21. I herein present my closing views on the Petition of Ayamga Akolgo, Shining Stars and Daniel Ofori.

**PROPOSAL TO SUSPEND THE CHIEF JUSTICE ON THE BASIS OF
UNSUBSTANTIATED PETITIONS**

In paragraphs 48 and 50 of the Akolgo petition, he urges that the President can suspend the Chief Justice *'pending investigation in consultation with the Council of State, and that it is probable and likely that she will temper (sic) and interfere with investigation and witnesses if she remains in office for the investigation to be carried out.'*



It is my submission that no suggestion or act can be more unconstitutional than this. In article 146 (4), the Constitution directs at the beginning that it is '*Where the Chief Justice decides that there is a prima facie case*', that he shall set up a committee consisting of Superior Court Judges appointed by the Judicial Council and two other persons appointed by the Chief Justice on the advice of the Judicial Council to further investigate the matters on which a prima facie case has been established against a Superior Court Judge.

In the same way, it is submitted and supported by the decision in **Agyei Twum v Attorney-General and Another** [2005-2006] SCGLR 732 that it is where the President and the Council of State **have decided** that there is a prima facie case for the Chief Justice to answer after their consultations, that they can go through the process of empaneling a Committee to inquire into the matters on which a prima facie case has been established. It is respectfully submitted that the respect and onerous regard that the Constitution confers on the process outlined in article 146, which deals with the high office of Superior Court Justices, is outlined in this two tier arrangement.

The Supreme Court of this country has clarified this meaning of the Constitution as the proper interpretation of the Constitution in the case of **Agyei Twum cited**, because the Chief Justice is first, a Supreme Court Judge, who is secondly invested with the authority of Chief Justice. It is my respectful submission that His Excellency the President and the Council of State are bound by the standing decisions of the Supreme Court.

ESTABLISHMENT OF A PRIMA FACIE CASE

To humbly reiterate what has been stated in my substantiated Responses, the establishment of a prima facie case requires evidence of wrongdoing, not mere allegations of wrongdoing. That evidence must be found **on the face of the Petition**, which means that evidence supporting the allegations



made **must travel with the Petition**. And that evidence, on the very face of the evidence, must, when compared with the explanations of the Chief Justice, establish that there is no reason under the Constitution, the laws of Ghana, both statute and legal principles for the Chief Justice to have acted in the manner complained of, and so a trial must be conducted to consider whether or not the Chief Justice must be removed from office, before article 146(6) and 146(7) can be considered.

It is my respectful submission therefore that contrary to the suggestions of Akolgo Esq and Daniel Ofori, it is only after the establishment of a prima facie case that the committee described in article 146 (6) may be assembled to inquire into the established prima facie case.

The framers of the 1992 Constitution never anticipated that the unique constitutionally constituted meritorious body of His Excellency the President and members of the Council of State will consult on mere allegations and pronounce on a prima facie case without the support of evidence, as is being urged by Akolgo Esq.

Neither did the Constitution create a situation that on the premise of mere allegations by citizens, the Chief Justice can be suspended from office, and a new Chief Justice given a warrant to act, while the Committee now conducts investigations to look for, or receive evidence to support the allegations put out in a Petition. This suggested trajectory of actions, is not supported by the common law of Ghana as provided for in Chapter 2 of the Constitution. It is not an adjudicating panel that helps with investigations, if an accuser has not get evidence. This can never be considered in the case of The President, the Vice President and The Speaker, and cannot be considered in the case of the Chief Justice. I must respectfully refer to **article 57 (2) of the 1992 Constitution** which reads:

57 (2) The President shall take precedence over all other persons in Ghana; and in descending order, the Vice President, the Speaker of Parliament and the Chief Justice, shall take precedence over all other persons in Ghana.



Further, this would constitute punishment before a hearing, a situation that is decidedly abhorrent in Ghana's legal system, and under the 1992 Constitution. Thus, if a Petitioner does not present evidence that leads to a prima facie finding of wrongdoing by His Excellency the President consulting together with the Council of State, he is the one who has disabled any further steps in the process set out in article 146.

This respectful submission is made because the extremely grave procedure of putting the Chief Justice, who is head of one of the three independent arms of Government, on trial, is on the same grounds as the grounds for removal of the President under article 69 of the 1992 Constitution. The evidence that leads to a prima facie finding of the need for further inquiries, must establish misconduct, incompetence or ill health that reflects incapacity to perform the functions of the office, and not mere criticism of the conduct of the work of the head of arm of Government.

WHAT HAVE THE PETITIONERS PRESENTED

The allegations of each of the Petitioners is not supported by any evidence except the Petition of Ayamga Akolgo esq. In his case, his evidence supports the very opposite of the accusations he made, which is that without provocation, the Chief Justice alone, had him removed from the court for a period of time, and restored him to his ability to leave the court on his own. His own evidence is the report of media that he shouted at the Supreme Court because he did not like a court ruling, which led to his removal from the court room. In his petition, he spends time contradicting his own evidence before seeking to use it as evidence of an unrecorded event. What the Petition also clearly fails to appreciate is that constitutionally, the Supreme Court is distinct from its presiding member, and any member, and the records of the Supreme Court are created on the consensus of ALL PANEL MEMBERS who sign after their work, and for



reasons that the court finds as the appropriate records of the day's proceedings.

In the two grounds of the Petition of Shinning Stars, they also do not appreciate that the acts and decisions of the Supreme Court constitute that of ALL PANEL MEMBERS, and not any one panel member.

Their second ground is a matter that is res judicata, having been determined already by the President of the Republic and the Council of State differently constituted. It cannot therefore be reopened without a breach of all the laws on fair trial in Ghana, including article 19 (7) of the Constitution.

In the several grounds of the Petition of Daniel Ofori, not a single one of them was substantiated. And indeed, I have presented extensive evidence to show that they are untrue, unfounded, or plainly mischievous.

I wish to humbly draw attention once again to the heads of the unfounded and wild allegations that the petition of Daniel Ofori presents.

Misappropriation of state funds.

I respectfully present herewith, my appointment letter which should have been added to the original bundle as exhibit DO1. It will show that the terms of the Chief Justice's appointment include two round trip tickets for her official vacation for a maximum of 14 days on each journey. The Chief Justice is never, by written policy (exhibit DO 2), allowed to travel alone. The Chief Justice is allowed to travel on unlimited occasions, on official travel, with her spouse. These three strands of privilege and obligations, support the Chief Justice travelling with her spouse or daughter, on the official vacations given her by the terms of appointment.

Can it be suggested by any stretch of imagination, much less the making of a prima facie determination of wrongdoing, that when the Chief Justice travels on her official vacations with a designated person, it constitutes misconduct warranting removal from office, for her to travel with her



spouse? Would any Ghanaian, urge that the President, or Speaker of Parliament, as the other two heads of Government, with the Chief Justice under article 57 (2) of the 1992 Constitution, would have misappropriated state funds if they travelled with their spouse or son or daughter on the official vacation given to them by the State in their letter of investiture, as their designated partner? Would this not be a mockery of our democracy? Can it be suggested by any stretch of imagination, that when implementors of the policies of the Judicial Service, purchase tickets for the official vacations of the Chief Justice and her designated companion, it is the Chief Justice, who has personally misappropriated state funds? Would this not be a mockery of the principles underlining what misappropriation means?

On the untruthful allegation of my failure to retire imprest, I have attached evidence signed by me, and corroborated by the Judicial Secretary, that I spent \$4,411 out of imprest of \$14,000 and retired ALL OF THE REST of it two days after I returned from my journey.

It is my firm belief that the nation would undoubtedly find such a proposition that the acts described above constitute wrongdoing unthinkable. And it ought not be entertained by the august body of His Excellency the President and eminent members of the Council of State.

CONSTITUTIONAL AND ADMINISTRATIVE FUNCTIONS OF THE CHIEF JUSTICE

Again, I respectfully conclude that in the rest of the allegations, Mr. Daniel Ofori goes on an excursion stabbing at several administrative functions of the Chief Justice and presents that it is misconduct for the Chief Justice to execute the very functions required of her under the Constitution the way she did it. These are the functions of giving Judges warrants to execute their work, transferring cases when there is a need to, transferring Judges when there is a need to, ensuring investigations into incidents in the



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courts, and acting as the ultimate authority in the discipline of staff and Judicial Officers after due process has been followed as required.

In all of his allegations which suggest that he wishes to simply criticize or at worst, control how the Chief Justice executes the onerous duties and obligations required of the office, he presents no evidence of the matters he complains about, except claim that the way the Chief Justice discharged her duties show incompetence, misconduct, or violation of constitutional requirements.

Again, allow me to draw the respectful analogy that it can never be suggested by any stretch of imagination, much less the making of a prima facie case of wrong doing, that when His Excellency the President discharges any of his administrative duties, or appoints persons to discharge them, the mere act of discharging that duty constitutes misconduct warranting removal from office because a citizen does not agree with it.

In the present case, though the petitioners presented mere allegations, I have meticulously provided evidence of the background of each of the alleged incidents complained about. My aim has been to assure His Excellency the President and the Council of State of my dedication to right doing, and the proper execution of my duties. I conclude that the petitions do not even begin to discharge the burden of supporting the allegations of wrongdoing, much more touch the high bar of misconduct and incompetence or incapability that can lead to removal of the head of an arm of Government in our democracy.

Thank you for the kind consideration.



JUSTICE GERTRUDE SACKEY TORKORNOO
CHIEF JUSTICE



HONOURABLE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA



April 4th 2025

HIS EXCELLENCY THE PRESIDENT

JUBILEE HOUSE

ACCRA

Your Excellency,

RESPONSES TO CHARGES IN PETITION FOR THE REMOVAL OF
THE HONOURABLE CHIEF JUSTICE BY DANIEL OFORI

Respectfully, the Petitioner has petitioned for the removal of the Chief Justice on grounds of 'stated misbehavior' and 'incompetence' pursuant to article 146 (1) of the 1992 Constitution. He states twenty-one (21) allegations of misbehavior and four (4) allegations of incompetence. He alleges that all of the twenty-five allegations relate to the discharge of my administrative roles and functions as Chief Justice.

RESPONSES

I respectfully set out my responses below.

It is my respectful submission that an article 146 procedure for removal of a Superior Court Judge, including the Chief Justice, requires that the Petitioner attaches evidence in support of the allegations stated as grounds of removal, for the purpose of presenting a prima facie case. The finding of a prima facie case relies on the existence of corroborating evidence that must convince the determiner (in this forum, His Excellency the President, or His Excellency

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the President in consultation with the Council of State), that the matters urged exist in fact, and are of such magnitude that they raise a prima facie presumption of wrong doing, which must necessarily be rebutted by the one accused. Unfortunately, despite the numbers of complaints submitted in this petition, no evidence of the subject matters raised have been presented to even raise a presumption of wrong doing.

Second, most of the complaints are in relation to third parties who have not indicated that they have authorized the Petitioner to pursue their rights. The Petitioner therefore will not have any standing in law, or capacity to substantiate the alleged wrong doings in a hearing.

Nevertheless, in order to assure His Excellency the President, and the Council of State that as Chief Justice, I have not conducted myself wrongly as is being alleged, I wish to humbly assist with the resolution of the complaints of the Petitioner by presenting, to the extent available to me, records on the various subject matters.

FIRST, SECOND, THIRD ALLEGATIONS – TICKETS AND PER DIEM OF CHIEF JUSTICE

The petitioner alleges that as Chief Justice, I misappropriated the sum of Gh¢261, 890 of public funds for my private foreign travel with her husband, Mr. Francis Torkornoo and my daughter Miss Edem Torkornoo when according to him, neither person was entitled to have their travel paid for out of the funds of the Judicial Service of Ghana

My humble response is that the allegation is an unfortunate untruth. Please find herewith the following evidence.

Paragraph B1 provides for two holidays for the Chief Justice in a year with *'Travel expenses, hotel accommodation and per diem to be borne by the Judicial Service and capped at 14 days per round trip'*



Exhibit DO (2) is the POLICY ON FOREIGN TRAVELS BY HEAD OF THE JUDICIARY AND SUPERIOR COURT JUDGES

Paragraph A (9) provides that *'The Chief Justice shall undertake unlimited official travels with either his/her Spouse or other person of his/her choice in a year, fully funded by the Judicial Service.'*

Paragraph A(10) provides that *'Where the Chief Justice is accompanied by the Spouse or other person, he/shall travel on the same class of air ticket as the Chief Justice and shall be paid the equivalent of half the per diem paid to the Chief Justice'*

This has been the policy of Judicial Service since 2010, as amended in 2019. Please see **exhibit DO3**

Exhibit DO(4) is a response to audit observation provided by the Judicial Secretary to auditors who sought clarification on the expenditure on the ticket purchased for my husband and daughter during my two holidays in 2023. On page 1 of **Exhibit DO 4**, the Judicial Secretary clarified that as Chief Justice, I opted to utilize the authorization in paragraph 9 and paragraph 10 of the Travel Policy to travel with my spouse and my daughter during my two holidays taken in September 2023 – pursuant to the conditions of appointment of the Chief Justice. In view of this option, there was no infraction occasioned when I opted to travel for my two holidays with my spouse on one occasion and my daughter on the second occasion. The Response to **Observation 1** and Response to **Observation 2** of **exhibit DO4** provide explanation on expenditure on tickets for my husband and daughter that petitioner has unfortunately described as 'misappropriation of public funds' by the Chief Justice.

Response on Page 3 of **Exhibit DO4** further confirms that contrary to the unfortunate allegation that I failed to retire imprest of \$14,000 given to me for my travel, I spent an amount of \$4,411 out of the said imprest and retired the remaining \$9,588.20. I also attach herewith **exhibit DO 5** in further proof



of the retirement of that imprest on 14th September 2023, on my second day at work after the said journey.

In September 2023, I fell ill from exhaustion when I arrived in Arusha and had to return to Ghana a day early, in order to ensure that I was able to have one full day to journey to Cape Coast for the annual conference of the Ghana Bar Association. This led to a change and re-routing of my return journey to Ghana through Ethiopia Airline. Page 4 of Exhibit DO 4 provides information on this.

It is therefore unfortunate that the Petitioner, an outsider to the records of Judicial Service, should create the wrong presentation of this expenditure used for the purchase of tickets for the Chief Justice.

I wish to state that as Chief Justice, I neither purchase travel tickets, nor determine the per diem issued to me or issued to the aides, security or persons who are required to travel with me. Neither do I authorize the per diem given to me for any journey. The said per diem is determined in accordance with rates set by the Article 71 Committee on Emoluments for the Chief Justice of the Republic. It is also administered by the Judicial Secretary and the Director of Finance of the Judicial Service. I am therefore incapable of misappropriating any public funds with respect to a ticket purchased for me or the person accompanying me on a journey, or the per diem issued. Indeed, I am not signatory to any account and do not have access to the accounts of Judicial Service.

FOURTH TO SEVENTH ALLEGATIONS- UNLAWFUL TAMPERING WITH COURT RECORDS

These allegations aver that as Chief Justice, I interfered with judicial proceedings in the case of **Republic v Gyakyé Quayson** in Criminal Division 3. Nothing can be further from the truth.



On July 28th 2023 I received an unusual report - **Exhibit DO6** - that the Judge in Charge of Criminal Division 3 had lost digitally created records of proceedings in the said case. I immediately went with the Judicial Secretary and Director of ICT to the court to understand the issue and found that the problem was even more bizarre. The court records were reported to have been digitally changed.

After listening to the Judge, I met with all ICT staff in the auditorium and addressed them on the unfortunate situation that had happened, and sought their assistance in resolving the problem. Thereafter, I directed an investigation to be conducted into the incident.

Exhibit DO6a is the report from National Signals Bureau, the national institution with capability to investigate the nature of the incident. **Exhibit DO7** and **DO7a** is the final report on the incident by the Committee appointed by the Judicial Service to investigate the role of the staff members who were identified as likely to have contributed to the breach in security of court records in **Exhibit DO6**.

In the fourth to sixth allegations, the Petitioner repeatedly complains that as Chief Justice, I was personally involved in the resolution of the incident and conducted myself unconstitutionally by not involving the accused person and his lawyers in the resolution of the incident involving court proceedings. That is an unfortunate misconception.

As head of the Judiciary and Judicial Service, I had no duty to interact with the lawyer of the accused person whose records had been changed within the court's computers. Further, apart from the first day when I went to the court in the Law Court Complex on receipt of the report, I left all other processes to relevant officers. I had no personal contact with the staff named in all the reports.



Included as Exhibit DO 8 are other records on the incident. Mr Baiden, the gentleman on whose behalf the Petitioner seems to be acting, remains a Deputy Director of Judicial Service, albeit on transfer from the E-justice systems in the Law Court Complex.

EIGHTH AND NINTH ALLEGATIONS – DANIEL OFORI'S CASES

The petitioner complains that I transferred execution proceedings in the case of **Daniel Ofori v Ecobank Ghana Ltd CM/MISC/0829/2021** from the court of Justice Lodoh (Commercial Court 7) to the court of Justice Ellen Mireku (General Jurisdiction 8) in order to achieve an unnamed result that I could not achieve when sitting in the Supreme Court as a member of the panel in **Daniel Ofori v Ecobank J8/114/2020 and J7/13/2020**.

He also claims that I abused the power of the Chief Justice to transfer cases by ordering the transfer of a suit titled **Ecobank v Daniel Ofori GJ/0902/23** pending before Justice Buansi to the court of Justice Mireku simply because I did not like an earlier decision of Justice Buansi.

Your Excellency. Both of these accusations are curious and unfortunate. It is important to clarify that the Petitioner in the instant petition is the party named in the various suits under reference, and so he has full access to the courts to resolve all his issues.

Equally, the allegations made by Petitioner were raised in the Petition of Professor Asare submitted to the then President, President Akufo-Addo, in December 2024. In that Petition, Professor Asare alleged that I had emboldened a Judge of the high court to make certain decisions in Daniel Ofori's cases after transferring Daniel Ofori's case from one court to another.

The statutory background to the function of transfers of cases exercised by the Chief Justice lies in section 104 of the Courts Act 1993, Act 459. It reads:



1) Subject to the Constitution, the Chief Justice may by order signed by the Chief Justice, transfer a case from a Judge, or Magistrate, or Tribunal to any other Judge or Magistrate, and from one court to any other competent court at any time or stage in the cause of proceedings, and either with or without an application from any of the parties to the proceedings.

2) The order may be general or special and shall state the nature and extent of the transfer, and in a case of urgency, the power of transfer may be exercised by means of telegraphic, telephonic or electronic communication from the Chief Justice

3) A transfer of a case made by telegraph, telephone or electronic communication and not confirmed immediately by order signed and sealed in a manner specified by the Chief Justice or any other person authorized in that behalf by the Chief Justice is not valid

Though this power is wide, it is never exercised arbitrarily. There must first be a recorded request for the said transfer, or record of the need for the transfer, and the discretion for ordering the transfer must be exercised with clear considerations. In directing cases between the same parties over the same cause of action to be heard by one Judge, considerations are also guided by which court has gone further in handling the issues between the parties, or which court is handling reliefs that will dispose of the dispute effectively.

Transfer of suit entitled Ecobank v Daniel Ofori GJ/0902/23 from Justice Buansi to Justice Mireku

The facts behind this transfer are that Justice Buansi sought urgent permission to travel out of Ghana because both her husband and son unfortunately fell ill suddenly in 2023. Exhibit DO9 is attached in confirmation of this background. She was out of Ghana for months, and cases pending before her had to be transferred to other courts for hearing.



This is the only reason why the cases pending before Justice Buansi were distributed to other Judges such as Justice Mireku. Justice Buansi returned to Ghana in 2024, and has herself now been taken ill. She is currently out of Ghana and has submitted an application for one year leave without pay which is being considered by the Judicial Council.

Transfer of suit entitled Daniel Ofori v Ecobank Ghana Ltd CM/MISC/0829/2021 from Justice Lodoh to Justice Mireku

One party in the different suits between Daniel Ofori and Ecobank in the High Court applied to my office to have this case involving the same parties and same dispute to be heard by one Judge instead of different Judges.

This is a fact acknowledged by the Petitioner because he says on page 4 and paragraph 13 of his petition that the transfer of this second case to Justice Mireku's court was *'after receiving a petition from the lawyer for the judgment Debtor/Respondent in suit number CM/MISC/0829/2021.'* It is submitted that the admission of this knowledge makes his accusation decidedly unfounded.

Respectfully, this policy of judicial case management not to allow cases involving the same parties and subject matter to be heard by different Judges, in order to avoid different Judges making different decisions on the same subject matter and between the same parties did not start with me as Chief Justice.

This policy is also expressed in the cardinal rule of court found in **Order 1 Rule 1(2) of the High Court Civil Procedure Rules CI 47** which reads:

'These Rules shall be interpreted and applied so as to achieve speedy and effective justice, avoid delays and unnecessary expense, and ensure that as far as possible, all matters in dispute between parties may be completely, effectively and finally determined and multiplicity of proceedings concerning any of such matters avoided.'



It is also the policy reasoning behind the rules on consolidation of cases and hearing of cases together. The allegations of the Petitioner that I abused my power of transfer in allowing a case before Justice Lodo to be transferred to Justice Mireku are therefore extremely unfounded.

Petitioner's case in the Supreme Court

Because the Petitioner accuses me of trying to achieve an unidentified result in his cases before the Supreme Court, I will take the liberty to disclose to Your Excellency the limited context within which I have interacted with matters involving Mr. Daniel Ofori.

As a trial Judge in the High Court, I presided over a case between **Databank Brokerage** and a company called **Danotel Ltd** and the Petitioner, Mr. Daniel Ofori. I completed the trial after my promotion to the Court of Appeal in 2012. When I reached the Supreme Court, I was empaneled to sit on an application to review a judgment of the Supreme Court involving Daniel Ofori and Ecobank. Ecobank had won the suit in the High Court and Court of Appeal. The Supreme Court overturned the dismissal of Daniel Ofori's case by both the High Court and Court of Appeal. I joined the Supreme Court after it had given judgment in favor of the Petitioner, and I was empaneled when Ecobank sought a review of the Supreme Court judgment.

My opinion, which formed part of the minority decision on review, was that the Supreme Court's judgment ought to be reviewed.

Following this review decision, another application was filed and I was empaneled to sit on it. At the hearing, counsel for Daniel Ofori raised a protest that because I had presided over the suit involving **Databank Brokerage**, **Danotel Ltd** and **Daniel Ofori** in the High Court, I should withdraw from hearing the application. I drew attention to the fact that the two cases were different and the matter was adjourned sine die. After that



date, I was not empaneled to sit on any case involving the Petitioner. That was my last contact with the Petitioner's cases in the court room. Since I became Chief Justice, I have been careful not to sit on any case involving these parties. and I have **not sat on any case involving Daniel Ofori.**

I make my judgment in the Danotel matter, and the judgments of the trial court and appellate courts in the Ecobank matter available for examination, to settle the context of my limited contact with the Petitioner. They are attached as **Exhibit DO10 series.**

I wish to humbly use this opportunity to state clearly that I have no interest in Petitioner or the success or failure of his cases. It is therefore a very unacceptable situation that the Petitioner keeps presenting this matter, first through the Professor Asare petition, and now in his own name, as if his judicial fortunes depend on my position as Chief Justice.

The operation of the doctrine of Res Judicata in civil law and 'autrefois acquit' in criminal law.

Respectfully, as already stated, allegations surrounding these **Daniel Ofori v Ecobank** cases were part of an earlier petition submitted by Professor Asare to His Excellency President Akufo Addo in December 2024. The President, in consultation with the Council of State, reached a conclusion on this allegation in these terms found on pages 12 of the determination submitted as **Exhibit DO11:**

'Reading the charge and the alleged supporting facts clearly indicates that this charge, like the other charges in the petition, relies on conjecture and speculation. More so, when the Petitioner himself (Professor Asare) has no personal knowledge of the matters that he complains about. A very dangerous precedent would be set if conjecture and speculation based on rumors were allowed to form the basis upon which the Chief Justice of the Republic could be removed. Such actions would undermine the integrity and independence of the Judiciary, erode public confidence

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in the rule of law, and open the door to arbitrary and unwarranted attacks on the highest judicial office in the land'

'The Chief Justice followed the Rules to ensure a complete, effective and final determination of all matters between the parties and avoid multiple proceedings. I, therefore, find no misbehavior or incompetence on the part of the Chief Justice on this charge to warrant further inquiry into the petition.'

It is my humble submission that the current forum of His Excellency the President, and the Council of State, which has received the petition and my response, is a forum created purposely by the 1992 Constitution to carry out the judicial function of determining whether a prima facie case has been made out for the removal of a Chief Justice. And to the extent that the same constitutionally mandated forum, albeit differently constituted, has dealt with the same facts and issues regarding this subject matter and arrived at a determination after due consideration, the subject matter would fall within the realm of res judicata.

The legal foundation for this protection from double jeopardy is found also in criminal justice under the doctrine of autrefois convict and autrefois acquit

TENTH AND ELEVENTH ALLEGATIONS – Thomas Odei Boafo and Phillip Kumayi Daliba

The Petitioner alleges that I personally refused to comply with court decisions regarding the reinstatement of the above named staff who were dismissed and had law suits in court before I became Chief Justice. My respectful response is that as well as the Petitioner failing to show the capacity to pursue the personal rights of the named persons, these allegations are totally unfounded.

The decision of the high court to reinstate Thomas Odei Bofo was presented to Judicial Council for consideration and confirmation. The Judicial Council is working with information provided by the Attorney General. Kindly see relevant parts of the minutes of the Judicial Council as recently as that of its March meeting in **Exhibit DO12**. See also **Exhibit DO12a** and **Exhibit DO12b**

In the case of Mr Daliba, this Petition represents my first encounter with his name. My enquiries from our legal department turned up court records that show that he has obtained judgment that he is trying to enforce against Judicial Service and the Attorney General. Please see **Exhibit DO 13**. The allegations have no foundation in fact.

TWELFTH ALLEGATION – Mr Musah

I wish to kindly submit that Mr Musah's dismissal was based on the conclusions of a committee that investigated allegations of his misrepresenting court records. Please see **Exhibit DO14 series**. The letter of dismissal only reflected the recommendation of the investigative committee

THIRTEENTH ALLEGATION - Mr. Richard Boadi Acheampong

On account of the demise of Mr Richard Boadi Acheampong, it is not clear why Petitioner decided to present an accusation against the Chief Justice for his dismissal. Suffice it to be said however, that on enquiry, **Exhibit DO15 series** represents some of the records found on the background to investigations into Mr. Boadi Acheampong's conduct and dismissal. They reveal that complaints against him commenced almost a decade before I became Chief Justice.



FOURTEENTH ALLEGATION – Mr Fosu Gyeabuor

This fourteenth allegation is respectfully denied as absolutely unfounded. Mr Fosu Gyeabuor's licence was suspended by the General Legal Council before I became Chief Justice. Records on this situation are attached as **Exhibit DO 16**.

From June to December 2023, the General Legal Council continued to receive regular updates on the litigation between Mr Fosu Gyeabuor and the General Legal Council. In January 2024, without a final resolution of this dispute and report to the General Legal Council, it was discovered that the license of Mr. Fosu Gyeabuor had been renewed. On enquiry, the Ghana Bar Association, which hosts that renewal duty for the General Legal Council, reported that their digital platform had experienced a system failure at the time that Mr Fosu Gyeabuor attempted to renew his license, and it was this system failure that had allowed the renewal of the licence. Records on how the Ghana Bar Association resolved this anomaly are attached as **Exhibit DO 17**.

The circular complained of, and statement issued by the Ghana Bar Association formed part of communications to clarify the status of Mr Fosu Gyeabuor's license to practice following the alleged mistake in renewing the license of Mr. Fosu Gyeabuor. It is also important to state that as on the date that this petition was created, Mr. Fosu Gyeabuor's license had been restored by the General Legal Council. Please see **Exhibit DO 18**. The allegations against the person of the Chief Justice are therefore unfounded.

SIXTEENTH ALLEGATION - Execution by Kasoa District Court

In the instant case, the petitioner submits no evidence of his allegation and my enquiries have found no evidence of the incident described. I respectfully submit that by his bare assertions, Petitioner has presented no

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material for a consideration of a prima facie case of wrong doing on the part of the Chief Justice. I also wish to state as follows:

Constitutional duties

Article 125(4) makes the Chief Justice '*responsible for the administration and supervision of the Judiciary*'. The Chief Justice is the only Judge who has been made a member of the High Court, Court of Appeal and Supreme Court and every court pursuant to Article 136 to 142. The Chief Justice is the Chair of the Judicial Council, Chair of the General Legal Council, Chair of the Rules of Court Committee, and is responsible for every part of administration of law and justice in the country. This makes the Chief Justice responsible for knowing the state of affairs of every court, how lawyers are working, the needs of courts and every part of the legal and justice system. As leader of the justice delivery system, it is therefore the onerous duty of the Chief Justice to attend to every problem that citizens, lawyers and the courts encounter.

It is in this context that the office of the Chief Justice receives several petitions to solve problems encountered by court users every week. Sometimes they are delivered directly, and sometimes, they are forwarded from the Complaints Unit of the Judicial Service. There are Public Complaints Units also found in the different regions of the country. The steps taken to solve these petitions are done as part of the administrative functions of the Chief Justice under **article 125 (4) of the 1994 Constitution**.

My humble view is that to the extent that the matters described therein have not been shown to affect the Petitioner, and he does not attach any evidence, the allegations made present no assistance for consideration of wrong doing by the Chief Justice.

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SEVENTEENTH ALLEGATION – Nomination of Judges.

It is humbly submitted that the allegations raised herein are unsupported by the background to the said request for increase in members of the Supreme Court.

Your Excellency, on 17th December 2024, one Professor Asare presented a petition on inter alia, this same issue, to the President of the Republic. He sought the same relief sought by the current Petitioner, thereby invoking the process set out under article 146 for the removal of superior court Justices, including the Chief Justice.

The then President, His Excellency Akufo Addo, referred the petition to the Council of State, after requesting for the responses of the Chief Justice. I submitted my response to the President. The President, in consultation with the Council of State, conducted a consideration of whether the petition on this subject matter raises a prima facie case for removal of the Chief Justice.

The determination of the President, in consultation with the Council of State on this subject matter and found on pages 7 and 8 of their 'DETERMINATION OF A PRIMA FACIE CASE' set out the factual background to the request complained about. A copy of that Determination dated 3rd January 2025 is already submitted as Exhibit DO 11.

On page 8 of Exhibit DO11, the Determination quoted from the decision of the Supreme Court in *Ghana Bar Association and Others v Attorney-General and Another; Sky v Attorney General; Danso-Acheampong v Attorney* [Consolidated Writs J1/21/2015; J1/22/2015] reported in [2015-2016] 2 SCGLR, judgment dated 20th July 2016.

The first quote came from the opinion of the court articulated by Dotse JSC found on page 897 in these words:

'Whilst the President is mandated to seek the advice of the Judicial Council, and consult with the Council of State in the appointment process of Supreme Court Judges with the approval of Parliament, those advisory opinions are not binding on the President. He is entitled to disregard the advice, but he can also not appoint any person who has not gone through the three tier process of recommendation, i.e. Judicial Council, Council of State and Parliamentary approval'

The second quote came from the opinion of the Supreme Court articulated by Atuguba JSC found on page 891 of the law report in these words:

'The Practice is that nominations for appointment to the Supreme Court come mainly from the Attorney-General, the Ghana Bar Association and the Chief Justice; and the Judicial Council sends their recommendations on successful candidates to the President, who then pursues the process to completion.'

The conclusion of the Determination of the President, in consultation with the Council of State, on this subject matter found on page 8, therefore was that *'No provision of the Constitution or law has been breached. The Petitioner has failed to establish any misbehavior or incompetence on the part of the Chief Justice to warrant her removal from office under this charge. Accordingly, this allegation is without any basis and is therefore dismissed'*.

Respectfully, this consideration of the President and the Council of State was arrived at following review of the background to the request and the fact that my request rested on the established practice articulated by the Supreme Court in the **Ghana Bar Association** case. Further, the Determination followed consideration of the same facts and issues raised by the petitioner.

It is respectfully submitted that the rule not to try anyone twice on the same facts and question in the same forum, is an entrenched rule of our jurisdiction. It is administered in civil law within the doctrine of res judicata, arising from subject matter or issue estoppel. The legal foundation for this

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protection from double jeopardy is found also in criminal justice and is administered within the plea of 'autrefois convict' or 'autrefois acquit'.

Your Excellency. To the extent that this same august constitutional forum created purposely to resolve issues regarding the initial review of a Petition against any Chief Justice of the realm has concluded a determination on this issue, it is my appeal that the issue should be considered to be res judicata.

EIGHTEENTH AND NINETEENTH ALLEGATIONS – Transfer of Justice Anokye Gyimah

It is submitted that the issue raised therein is also res judicata, having been raised in the petition of Professor Asare. It was considered and dismissed as disclosing no prima facie case of incompetence or stated misbehavior by the Chief Justice, on account of the duties of the Chief Justice under Chapter 11 of the 1992 constitution.

Your Excellency, for the purpose of making bare the necessary considerations when the Chief Justice transfers Judges to different courts in the nation, I wish to provide the following background to this transfer which is not expatiated in the earlier Determination.

At the time I assumed office in June 2023, I was briefed that persistent violations of due process in the High Court Tema, had become a security risk for the country. The Registrar of the Tema High Court had been reported to the security services and was on the run from the police. A few weeks before I took office, a new Judge with one year experience as a High Court Judge had been posted to one of the courts in Tema affected by persistent reports.

Knowing that a Judge with stronger experience and who worked with expedition was needed to manage the void orders ostensibly emanating from the Tema court, and to deal expeditiously with applications to correct some of the dire results of the acts complained about by court users, I

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transferred Her Ladyship P. Quansah J of the High Court from Kumasi to Tema to deal with the situation. This led to the transfer of the relatively junior Judge to the quieter environment of Winneba. At the same time, one Judge was deathly ill in Kumasi (unfortunately, he has since passed on) and so Quansah J's exit from Kumasi weakened the gap in Kumasi that needed to be filled by a Judge with robust health and equally strong skills. This is what led to Justice Anokye being transferred to Kumasi to fill this need.

My considerations in transferring Judges are guided by the onerous responsibilities placed on the Chief Justice to serve the whole country guided by the 1992 Constitution, the Courts Act 1993 Act 469, the Judicial Service Act and all relevant laws and policies of the Judicial Service. In the instant case, there was a need to restore confidence in the courts in Tema municipality without affecting the strength of adjudication in Kumasi.

TWENTIETH ALLEGATION – Hearing of application of Professor Margaret Kweku

On 16th December 2024, I received a process from the Registrar supported by a letter requesting that the Court of Appeal in Accra should be allowed to hear an ex parte application filed in Accra pursuant to an appeal scheduled to be heard in the Court of Appeal, Koforidua. Please see Exhibit DO 19 series. I noticed also that the ex parte application was headed as issued 'In the Court of Appeal Accra'.

I pointed out to the Registrar that to the extent that the notice of appeal – which gives the Court of Appeal jurisdiction to hear any application – was to be heard by the Court of Appeal in Koforidua, the proper procedure was to file the ex-parte application in Koforidua. The filing of a stand alone process in the Registry of the Court of Appeal in Accra could not confer jurisdiction on the Judges sitting in Accra to hear that stand alone process.



Whoever heard the application in Accra would need to be given a warrant to conduct the hearing, and that duty compels me to make the right decisions. To the extent that it is the duty of the Chief Justice to provide warrants to Judges to hear cases and not that of the Registrar, the twentieth allegation is unfounded.

TWENTY FIRST ALLEGATION – Early hearing of an Ex-Parte Application

Throughout 2023 and 2024, several stakeholders engaged the Judiciary to make presentations on the need for expeditious hearing of election related issues. At every engagement, I led the Judiciary to provide assurances of efforts made to ensure early disposal of matters of national interest. At the request of the Elections Management Committee of the Judiciary, I issued the most recent Administrative Directions on 20th December 2024 to assist with expeditious disposal of parliamentary election disputes. The attached Administrative Directive as Exhibit DO 20 shows the commitment to early disposal of election related disputes that the Judiciary put on issues related to the national elections. It was in the spirit of discharging this responsibility that the ex parte application in issue was heard expeditiously by the Supreme Court.

Again, I wish to state that as a matter of administrative practice in all the registries of all courts, it is not out of place for ex parte applications to be heard on the same date that they are filed.



SPECIFIC ALLEGATIONS OF 'INCOMPETENCE'

No. 27.

In response to paragraph 27 of the Petition, I state that the Honorable Judicial Secretary was neither appointed Judicial Secretary nor Justice of Court of Appeal by me as Chief Justice. Her Ladyship Justice Cyra Koranteng joined the Judicial Service as Judicial Secretary in the year 2018. She was appointed a Justice of the Court of Appeal in 2019. Justice Koranteng does not work in the secretariat of the Chief Justice but manages the secretariat of the Judicial Secretary. The allegations made are therefore, not factually right.

No 28 to No 30.

Your Excellency, I inherited a policy decision of the Judicial Council passed at its meetings of March and April 2023 to appoint Judges as Registrars of the Superior courts. Please find attached Exhibit DO21. This was before I became Chief Justice and a member of the Judicial Council. It is for the purpose of implementing this policy that Judicial Officers were appointed as Registrars of the Court of Appeal and Supreme Court on my assumption of office as Chief Justice in June 2023. The Petitioner has presented no evidence on how the management of the registries in issue by Judges has rendered them inefficient. Further, even if this was his opinion, the Petitioner could have requested the Judicial Council, through the Chief Justice to review the policy.

It is my respectful submission that while the Petitioner has presented no evidence to buttress the alleged arbitrariness or unreasonableness of the matters he complains about, each of the decisions complained about has been sufficiently shown to be grounded in the Constitution, in policy, and statutory and regulatory considerations and established practice. I therefore pray that the review leads to a Determination that no prima facie case of



wrongdoing has been established against me in the Petition submitted by Mr. Daniel Ofori.

Respectfully submitted. Thank you.



HL JUSTICE GERTRUDE SACKEY TORKORNOO
CHIEF JUSTICE



**HONOURABLE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA**



April 4th 2025

**HIS EXCELLENCY THE PRESIDENT
JUBILEE HOUSE
ACCRA**

Your Excellency,

**RESPONSES TO CHARGES IN PETITION FOR THE REMOVAL OF
THE HONOURABLE CHIEF JUSTICE BY AYAMGA YAKUBU AKOLGO
ESQ**

Respectfully, the Petitioner has petitioned for the removal of the Chief Justice from office pursuant to article 146 (1) of the 1992 Constitution. He states that the grounds of stated misbehavior and incompetence arise from the performance of my judicial functions while presiding over his case in the Supreme Court.

COMPLAINT

The complaint of the petitioner is premised on the conduct of a hearing in the Supreme Court on 14th November 2023. He sets out details of interventions by various members of the court, and complains about allegedly discourteous interventions of the Chief Justice that led to his arrest

1 | Page



and removal from the court room. He goes on further to state that the media reported that he *'was arrested, detained and discharged and released for shouting at the court'*. However, these media reports were inaccurate because he did not behave in the way reported and he had to publish a rejoinder in the media to refute false reportage.

Petitioner also says that he was informed by the Registrar of the court that the input of the Chief Justice was needed for a search report he requested and that when he got the search report, it provided false statements. The court records did not also capture all events that occurred in court.

He cites section 16 of the **Judicial Service Act, 1960 CA 10** as providing a definition of misconduct as *'Any act done without reasonable excuse by a judicial or executive officer which amounts to a failure to perform in a proper manner any duty imposed upon him as such, or which contravenes any enactment relating to the Judicial Service or which is otherwise prejudicial to the efficient conduct of the Judicial Service or tends to bring the Judicial Service into disrepute shall constitute misconduct'*. Respectfully, this citation is wrong because the current applicable law is **Judicial Service Act 2020, Act 1057**.

It is his conclusion that the removal from office for stated misbehavior and incompetence as provided for in article 146 is a means of accountability for Judges exercising judicial functions. In the present petition, the petitioner is seeking accountability against the Chief Justice for the matters described.

CS



RESPONSE

Your Excellency, while I do not hesitate to apologize on behalf of the Supreme Court and myself if any court user, including the Petitioner, had a bad experience in court while I was presiding over a case, my humble submission is that the Petition does not provide any element of 'misbehavior or incompetence' that can lead to removal of a Chief Justice under the 1992 Constitution.

The work of the Supreme Court

The hearing and proceedings complained about are the proceedings of the Supreme Court. The Supreme Court is always composed of not less than five Justices, for the exercise of its judicial functions under **article 128** of the 1992 **Constitution**, except when its work is executed by a single Justice of the court under **article 134**.

In the conduct of the work of the Supreme Court, the presiding Judge, whether the Chief Justice or another senior member of the court, is not the court. And any directions given during the court's work are the directions of the court, and not the directions of any individual judge. As stated by the Petitioner, other members of the court gave various directions and contributions during the proceedings of the day. All those directions and contributions formed part of the work of the court that day.



Article 127 on Independence of the Judiciary provides:

127 (3) *A Justice of a Superior Court, or any person exercising judicial power, shall not be liable to any action or suit for any act or omission by him in the exercise of the judicial power.*

Because of the weight of article 127 (3), it is respectfully submitted that neither the Chief Justice nor any of the Justices on the panel of five may be singled out to be sanctioned for court proceedings.

Records of the court

I also wish to clarify that the manuscript records of the court in the Record Book of the Supreme Court are summaries of presentations and orders of the day relevant to the business of the court, and nothing more. This is the reason why the records of each panel are signed by each Judge on the panel, signifying their agreement that it constitutes a true record of the essence of proceedings and orders from the proceedings.

Further, no Judge manages or administers the electronically captured records of the court. These records are managed by court recorders. Thus, respectfully, the Petitioner's demands for liability for the records he is seeking on the matters that occurred concerning him are not appropriately targeted.



I must also deny that presiding Judges, including the Chief Justice, are involved in the provision of answers to searches from court records. That duty is confined to the registry.

Evidence of Petitioner

The Petitioner attached an excerpt from a news portal called Law Platform. I attach hereto as AA (1) pages from this evidence from Petitioner which contradicts his presentations that without any provocation, he was treated disrespectfully by the Chief Justice during the proceedings of 14th November 2025.

Conclusion

Your Excellency, the matters presented in this Petition are unable to lead to a prima facie finding of liability for removal of the Chief Justice.

Humbly submitted.



HL JUSTICE GERTRUDE SACKY TORKORNOO
CHIEF JUSTICE





REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

Jubilee House, Accra

Tel: +233 (0) 302 738 600

Tel: +233 (0) 302 738 601

Digital Address: GA-000-0288

Ref. No.

088 307/25/1590

22nd April 2025

PETITIONS FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE— PRIMA FACIE DETERMINATION BY HIS EXCELLENCY, THE PRESIDENT, IN CONSULTATION WITH THE COUNCIL OF STATE PURSUANT TO ARTICLE 146 OF THE 1992 CONSTITUTION

I write on the instructions of His Excellency John Dramani Mahama, President of the Republic of Ghana.

Following the receipt of three separate petitions from Mr. Daniel Ofori (dated 17th March 2025), the group called Shinning Stars of Ghana acting by Kingsley Adjei (dated 14th February 2025), and Ayamga Y. Akolgo Esq. (also dated 14th February 2025), seeking your removal from office for stated misbehaviour and/or incompetence, His Excellency initiated the procedures outlined in Article 146 of the 1992 Constitution.

Pursuant to Article 146(6), the President consulted the Council of State by forwarding the petitions and your responses to them for their consideration. The Council of State has since conveyed its advice to the President by a letter dated 17th April 2025, stating that, "***The Council concluded that a prima facie case has been made against the Chief Justice.***"

His Excellency the President, upon careful assessment of the petitions, your responses, and the advice of the Council of State, has determined that a *prima facie* case has been made against you in respect of all three petitions.

Consequently, in consultation with the Council of State, the President has established a committee to inquire into the allegations and make appropriate findings and recommendations. The members of the Committee are as follows:

No.	Names	Designation
1.	Justice Gabriel Scott Pwamang, Justice of the Supreme Court	Chairman
2.	Justice Samuel Kwame Adibu Asiedu, Justice of the Supreme Court	Member

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3.	Daniel Yaw Domelevo (Former Auditor-General)	Member
4.	Major Flora Bazwaanura Dalugo (Ghana Armed Forces)	Member
5.	Prof. Professor James Sefe Dzisah (Senior Lecturer, University of Ghana)	Member

In compliance with Article 146 (6), none of the non-lawyer members is a member of the Council of State or a member of Parliament.

Pursuant to Article 146(10)(a) of the Constitution, the President has, acting in accordance with the advice of the Council of State, decided to suspend you from office by a warrant under his hand, with immediate effect pending the outcome of the committee's proceedings. The warrant of suspension is attached herewith.

The petitions have been referred to the Committee, and you will be duly notified of the Committee's proceedings and afforded the opportunity to be heard in accordance with the rules of natural justice and the relevant provisions of the Constitution.

Kindly accept, Your Ladyship, the assurances of my highest consideration.



CALLISTUS MAHAMA PH.D.
SECRETARY TO THE PRESIDENT

**THE CHIEF JUSTICE
CHIEF JUSTICE'S CHAMBERS
THE SUPREME COURT
ACCRA**

ATTN: HER LADYSHIP JUSTICE GERTRUDE ESAABA SACKY TORKORNOO

Cc:

**The Chairman
Council of State
State House
Accra**



REPUBLIC OF GHANA

Jubilee House

The President

PRESIDENTIAL WARRANT FOR SUSPENSION
(Issued under Article 146 (10) of the 1992 Constitution)

TO ALL WHOM IT MAY CONCERN

WHEREAS, pursuant to Article 146 of the Constitution of the Republic of Ghana, the President of the Republic received the following Petitions seeking the removal of the Honourable Chief Justice, **Justice Gertrude Araba Esaaba Sackey Torkornoo**, on the grounds of stated misbehaviour and incompetence:

- 1) Petition by Daniel Ofori dated 17th March 2025
- 2) Petition by Ayamga Yakubu Akolgo dated 14th February 2025
- 3) Petition by Shinning Stars of Ghana, represented by Kingsley Adjei, dated 14th February 2025

AND WHEREAS, in accordance with Article 146, the President caused a copy of the petition to be transmitted to the Honourable Chief Justice for her comments and thereafter, pursuant to Article 146, consulted the Council of State;

AND WHEREAS, following the President's review of the petitions and the responses from the Honourable Chief Justice and after further consultation with the Council of State, the President determined that a **prima facie case** had been established in respect of all three petitions;

AND WHEREAS in consultation with the Council of State, the President appointed a Committee composed of two Justices of the Supreme Court and three other persons who are neither lawyers nor members of the Council of State or Members of Parliament and has referred the petitions to them for investigation;

NOW THEREFORE, in the exercise of the powers conferred on the President under Article 146(10)(a) of the Constitution, I, **JOHN DRAMANI MAHAMA**, President of the Republic of Ghana, do hereby order and direct that the

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**Honourable Chief Justice, Justice Gertrude Araba Esaaba Sackey Torkornoo
be suspended from office with immediate effect, pending the outcome of
the proceedings and final determination by the said committee.**

Given under my hand and the Presidential Seal of the Republic at Jubilee House,
Accra, this 22nd day of April, 2025, and in the thirty-third year of the Fourth Republic
of Ghana.



**JOHN DRAMANI MAHAMA
PRESIDENT OF THE REPUBLIC**

DECLASSIFIED

August 19, 2025

The Article 146 Committee,
Set up to investigate the Chief Justice of Ghana,
Accra

Esteemed Committee Members,

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**Request For Extension of Time to File Closing Addresses And
Commencement of Hearing in Respect of Second Petition**

We continue to act as Counsel for the Honourable Chief Justice.

Proceedings in respect of the First Petition are ongoing. Cross-examination of the Honourable Lady Chief Justice was completed on Monday, 18th August 2025 following which parties were directed to file Closing Addresses simultaneously by Monday, 25th August 2025.

As the Esteemed Committee is aware, the transcripts and exhibits in respect of the First Petition are voluminous and will require thorough sifting for a comprehensive Closing Address that will keep the deadline given.

As at the date of this letter, we are yet to receive the full compliments of the exhibits and record of proceedings to assist us conclude our Closing Addresses.

We have just received Hearing Notice to attend to the Committee in respect of The Shinning Stars of Ghana on Monday, 25th August 2025.

We are respectfully of the view that being required to honour the Committee-determined deadline of submitting the Closing Address, and, at the same time, without break, being required to get ready to embark on the second petition, will not allow the Respondent- Honourable Lady Chief Justice-sufficient time and facility to defend herself properly in respect of both petitions.

As the Supreme Court said in *R v Chief Justice and the Attorney-General, ex parte Justice Kwame Ohene-Essel*, Reference No. J6/02/2019 in a unanimous judgment dated 24th June 2020, per Justice VJM Dotse, in its opening sentence at page 1:

“It is often said that ***‘justice delayed, is justice denied.’*** The reverse of this is also another common saying, it states as follows ***‘justice hurried, is justice buried.’***” (Original italics and bold)

Given the **time directed** by the Esteemed Committee to parties to submit their Closing Addresses in the first petition, and the need for the Honourable Lady Chief Justice and Counsel to prepare for the commencement of the second petition – and also on the **humanitarian consideration** of the Respondent and her Counsel to rest and regroup – we respectfully pray for;

1. A one-week extension to file the Respondent’s Closing Address
2. A further one-week period after the submission date of the Closing Address for the hearing of the second petition to commence.

We respectfully pray, and thank in advance the Esteemed Committee for a favourable consideration.

Yours faithfully



Kwabena Adu-Kusi

cc:

1. The Honourable Lady Chief Justice
2. Counsel for the Respondent

**IN THE ARTICLE 146 COMMITTEE OF INQUIRY INTO
PETITIONS FOR THE REMOVAL OF CHIEF JUSTICE
GERTRUDE A. E. SACKEY TORKORNOO HELD IN ACCRA
ON MONDAY THE 25TH DAY OF AUGUST 2025 BEFORE
JUSTICE GABRIEL SCOTT PWAMANG, JSC, (CHAIRMAN),
JUSTICE SAMUEL KWAME ADIBU ASIEDU, JSC (MEMBER),
MR. DANIEL YAW DOMELEVO (MEMBER),
MAJOR FLORA BAZAAWAANUBA DALUGO (MEMBER)
AND PROF. JAMES SEFE DZISAH (MEMBER)**

ARTICLE 146 COMMITTEE
[Signature]
TRUE COPY

TIME: 10: 20 AM

KINGSLEY ADJEI

(SHINNING STARS OF GHANA BY)

... PETITIONER

AND

CHIEF JUSTICE GERTRUDE ARABA

ESAABA SACKEY TORKORNOO

... RESPONDENT

**PARTIES: PETITIONER REPRESENTED BY KINGSLEY
AGYEI, SAMUEL ADOM AND WILSON MIHESO
(EXECUTIVE MEMBERS) - ABSENT**

RESPONDENT - PRESENT

LEGAL REPRESENTATION:

**OLIVER BARKER-VORMAWOR WITH VALERIE
AGYEI-MENSAH, EDEM TUSAH, NANA ARABA
PLANGE AND HARUNA-RASHEED MOHAMMED
FOR THE 2ND PETITIONER - ABSENT**

[Signature]
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(SGD.)
JUSTICE GABRIEL SCOTT PWAMANG, JSC
(CHAIRMAN)

(SGD.)
JUSTICE SAMUEL KWAME ADIBU ASIEDU, JSC
(MEMBER)

(SGD.)
MR. DANIEL YAW DOMELEVO
(MEMBER)

(SGD.)
MAJOR FLORA BAZAAWAANUBA DALUGO
(MEMBER)

(SGD.)
PROF. JAMES SEFE DZISAH
(MEMBER)

ARTICLE 146 COMMITTEE

CERTIFIED TRUE COPY



REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

SECRETARY TO THE PRESIDENT

Jubilee House, Accra
Tel: +233 (0) 302 738 600
Tel: +233 (0) 302 738 601
Digital Address: GA-000-0288

Ref. No. OPC/100/25/3070

1st September, 2025

NOTIFICATION OF REMOVAL FROM OFFICE - HER LADYSHIP JUSTICE GERTUDE ARABA ESAABA SACKY TORKORNOO, CHIEF JUSTICE OF THE REPUBLIC OF GHANA

Pursuant to Article 146 of the 1992 Constitution of the Republic of Ghana, a petition dated 17th March, 2025 was presented to His Excellency the President by Mr. Daniel Ofori, seeking your removal from office on grounds of misconduct and stated misbehaviour. His Excellency the President, upon careful assessment of the petition, your response to the petition, and the advice of the Council of State, determined that a *prima facie* case had been made against you in respect of Mr. Daniel Ofori's petition.

In accordance with Article 146(6), the President, in consultation with the Council of State, constituted a five-member Committee chaired by Justice Gabriel Scott Pwamang (Justice of the Supreme Court) to inquire into the petition and recommend whether you ought to be removed from office. Other members of the Committee were:

1. Justice Samuel Kwame Adibu Asiedu, (Justice of the Supreme Court) - Member
2. Daniel Yaw Domelevo (Former Auditor-General) - Member
3. Major Flora Bazaawaanuba Dalugo (Ghana Armed Forces)- Member
4. Professor James Sefe Dzisah (Associate Professor, University of Ghana)-Member

After a full inquiry, the Committee has submitted its report to the President, recommending your removal from office based on the following findings:

"[1.9]. In the opinion of the committee, the travel expenses which the Chief Justice heaped on the Judicial Service when she travelled on holidays in September 2023, first to Tanzania with her husband and second, to the United States of America with her daughter, together with the payment of per diem to the spouse and daughter of the Chief Justice, constitute unlawful expenditure of public funds. It cannot be justified in law or policy. Those acts constitute avoidable and reckless dissipation of public funds and, in the view of the committee, to have been occasioned by the overall head of the Judiciary and the Judicial Service, whose duty it is to guard public resources allocated by the Government, is caught within the spectrum of stated misbehaviour.

[3.4.] The committee states without fear or favour that the Chief Justice unjustifiably breached the provisions in article 296(a) and (b) of the Constitution, 1992, in the way and manner that she transferred Mr. Biden. Her conduct amounted to misbehaviour.

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RESTRICTED

[6.7]. The committee is of the view that the conduct of the Respondent falls squarely in the category of conduct described as stated misbehaviour under article 146(1) of the Constitution.

[7.5.] The committee is of the opinion that the action and conduct of the Chief Justice falls within the meaning and categories of stated misbehaviour as provided under article 146(1) of the Constitution, 1992.

[9.5.] ...However, the Chief Justice, qua Chief Justice, cannot lay claim to ignorance of the nomination process and procedure, notwithstanding the fact that the process and procedure are not spelt out in the Constitution but case law. The appointment of the Chief Justice herself as a Justice of the Supreme Court went through the very process and procedure set out in the Ghana Bar Association case. Therefore, to seek, wittingly, to outwit this known process and procedure for appointing Supreme Court Justices amounts to misbehaviour in the eyes of the Committee and the Committee finds it as such."

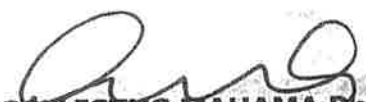
The Committee recommended your removal in the following terms:

*"[14.1]. In view of the findings of the Committee in paragraphs 1.9, 3.4, 6.7, 7.5, and 9.5 above, the Committee recommends to the President in accordance with Article 146(7) of the Constitution, that Chief Justice Gertrude Araba Esaaba Sackey-Torkornoo ought to be **REMOVED** from office."*

Under Article **146(9) of the Constitution**, the President is mandatorily required to act in accordance with the recommendation of the Committee.

Consequently, His Excellency the President of the Republic of Ghana has, by **Warrant of Removal under his hand and the Presidential Seal**, effected your removal from office as **Chief Justice and Justice of the Supreme Court of Ghana**, with effect from the date of the warrant.

For your information and records, please find attached the duly executed **Warrant of Removal**.


CALLISTUS MAHAMA Ph.D.
SECRETARY TO THE PRESIDENT

**THE CHIEF JUSTICE
JUDICIAL SERVICE
ACCRA**

ATTN: HER LADYSHIP JUSTICE GERTRUDE ARABA ESAABA SACKEY TORKORNOO



REPUBLIC OF GHANA

WARRANT OF REMOVAL

(Issued under Article 146 (9) of the 1992 Constitution)

TO ALL TO WHOM THESE PRESENTS SHALL COME

WHEREAS, under **Article 146 of the Constitution of the Republic of Ghana**, provision is made for the removal of a Justice of the Superior Court for stated misbehaviour, incompetence, or inability to perform the functions of his/her office arising from infirmity of body or mind;

AND WHEREAS, Daniel Ofori, a citizen of Ghana, duly presented a petition dated 17th March, 2025 for the removal of the Chief Justice, **Justice Gertrude Araba Esaaba Sackey Torkornoo**, Justice of the Supreme Court, on grounds of misconduct and stated misbehaviour,

AND WHEREAS, in accordance with Article 146(6) of the Constitution and decided cases of the Supreme Court, the President caused a copy of the petition to be transmitted to the Chief Justice for her preliminary comments, and thereafter, acting in consultation with the Council of State pursuant to Article 146(6), proceeded to determine whether a prima facie case had been established;

AND WHEREAS, upon a review of the petition and the response submitted by the Chief Justice, **Justice Gertrude Araba Esaaba Sackey Torkornoo**, and following further consultation with the Council of State, the Council on 17th April, 2025 advised that a prima facie case had been established in respect of the Petition by Daniel Ofori, which advice the President accepted and accordingly determined that a prima facie case had indeed been established;

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REPUBLIC OF GHANA

AND WHEREAS in accordance with Article 146(6), the President in consultation with the Council of State, on 22nd April, 2025 appointed a Committee composed of two Justices of the Supreme Court and three other persons who are neither lawyers nor members of the Council of State nor Members of Parliament and referred the petition to them to inquire into the petition and make recommendations to the President whether the **Chief Justice, Justice Gertrude Araba Esaaba Sackey Torkornoo**, should be removed or not, namely:

1. Justice Gabriel Scott Pwamang, (Justice of the Supreme Court)- Chairman
2. Justice Samuel Kwame Adibu Asiedu, (Justice of the Supreme Court)- Member
3. Daniel Yaw Domelevo (Former Auditor-General) - Member
4. Major Flora Bazaawaanuba Dalugo (Ghana Armed Forces) - Member
5. Professor James Sefe Dzisah (Associate Professor at the University of Ghana, University of Ghana) - Member

AND WHEREAS, in accordance with Article 146(6) of the Constitution, the Committee duly constituted made a full inquiry into the matter and by a report dated 29th August, 2025, has recommended the removal of the **Chief Justice, Justice Gertrude Araba Esaaba Sackey-Torkornoo**, from her position as Chief Justice and Justice of the Supreme Court of Ghana on grounds of stated misbehaviour in the following terms:

*"[14.1]. In view of the findings of the Committee in paragraphs 1.9, 3.4, 6.7, 7.5, and 9.5 above, the Committee recommends to the President in accordance with Article 146(7) of the Constitution, that Chief Justice Gertrude Araba Esaaba Sackey-Torkornoo ought to be **REMOVED** from office."*

AND WHEREAS, by Article 146(9) of the Constitution, I am enjoined to act in accordance with the recommendation of the said Committee.

EXH
ARTICLE 146 COMMITTEE



JUDICIAL SERVICE
PROTOCOL UNIT

CERTIFIED TRUE COPY



MEMORANDUM

TO : JUDICIAL SECRETARY
Cc : HON. CHIEF JUSTICE
FROM : HEAD OF PROTOCOL
SUBJECT : REQUEST FOR PAYMENT OF PER DIEM, RETURN
BUSINESS CLASS TICKET

DATE : SEPTEMBER 1, 2023.

Respectfully,

Reference is made to the Policy on Foreign Travels by Head of the Judiciary and Superior Court Justices-The Chief Justice shall undertake at least two official travels with either his/her spouse or one other person of his or her choice in a year, fully funded by the Judicial Service. (pg.36 p9)

Where the Chief Justice is accompanied by the Spouse or any other person, he/she shall travel on the same class of air ticket as the Chief Justice and shall be paid the same equivalent of half the per diem paid to the Chief Justice (Pg.36 p9)

The Chief Justice shall be entitled to two foreign trip business Tickets to be utilized during his/her vacation. Travel expenses, Hotel accommodation and per diem will be borne by the Judicial Service and Caped at 14 days per round trip.

Where the Chief Justice embarks on a personal or private foreign travel he/she shall be accompanied by the Security alone. (Pg.37 p1-2)

The Hon. Lady Chief Justice has indicated, she will travel to the United States of America with her daughter, Miss Edem Sarah Amiga Torkornoo instead of her security for vacation in line with the Policy on Foreign Travels by the Head of the Judiciary and Superior Court Justices.

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COMMISSIONER FOR OAT



In view of this, I humbly seek your authorization and directives to the Director of Finance for the payment of appropriate per diem to the Hon. Lady Chief Justice and her daughter, Miss Edem Sarah Amiga Torkornoo.

I further request your endorsement for the release of Two Hundred and Nine Thousand, Three Hundred and Four Ghana Cedis (GHC209,304.00) to Riali Consult, being the payment for return Business Class tickets for the Hon. Lady Chief Justice and her daughter.

Find attached invoices from Riali Consult on the return Business Class tickets for your kind consideration for approval, please.

Thank you.

SAMPSON YEKPLE

① Shaisa
pls present
14/9/23

BDF

Per diem be paid to the Hon. Lady Chief Justice and her daughter based on the attached return tickets.

② D.F

pls FYNA
K/S
DJS

08/09/23

③ D.F

pls Lucy 12/9/23

⑤ Meeo

pls kindly acted
to K/S P/Z

14/9/2023



**JUDICIAL SERVICE
PROTOCOL UNIT**



MEMORANDUM

TO : DEPUTY JUDICIAL SECRETARY
Cc : HON. CHIEF JUSTICE
FROM : HEAD OF PROTOCOL
**SUBJECT : REQUEST FOR PAYMENT OF PER DIEM, RETURN
BUSINESS CLASS TICKET AND RELEASE OF
ACCOUNTABLE IMPREST**

DATE : AUGUST 25, 2023.

Respectfully,

Reference is made to the Policy on Foreign Travels by Head of the Judiciary and Superior Court Justices-The Chief Justice shall undertake at least two official travels with either his/her spouse or one other person of his or her choice in a year, fully funded by the Judicial Service. (pg.36 p9)

Where the Chief Justice is accompanied by the Spouse or any other person, he/she shall travel on the same class of air ticket as the Chief Justice and shall be paid the same equivalent of half the per diem paid to the Chief Justice. (Pg.36 p9)

The Chief Justice shall be entitled to two foreign trip business Tickets to be utilized during his/her vacation. Travel expenses. Hotel accommodation and per diem will be borne by the Judicial Service and Caped at 14 days per round trip (Pg.37 p1)

The Hon. Lady Chief Justice has indicated, she will travel to Arusha, Tanzania with her spouse, Mr. Francis Kofi Torkomoo during her annual leave from September 2-10, 2023.

In view of this, I humbly seek your authorization and directives to the Director of Finance for the payment of appropriate per diem to the Hon. Lady Chief Justice and her spouse, Mr. Francis Kofi Torkomoo in line with the Policy on Foreign Travels by the Head of the Judiciary and Superior Court Justices.

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I further request your endorsement for the release of Fourteen Thousand United States of America Dollars (\$14,000.00) as accountable imprest to cater for hotel accommodation and other travel expenses for the Hon. Lady Chief Justice and her spouse.

I again seek your approval for the release of One Hundred and Forty Eight Thousand, Three Hundred and Twenty Ghana Cedis (GHC148,320.00) to Riali Consult, being the payment for return Business Class tickets for the Hon. Lady Chief Justice and her spouse, Mr. Francis Kofi Torkornoo.

Find attached invoices from Riali Consult on the return Business Class tickets for your kind consideration for approval, please.

Thank you.


SAMPSON YEKPLE

② D.F

for F.A.A
1/8
28/8/23

② Emilia

for room
28/8/23

③ D.F

for T.C

⑤ Alls Open

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THIS IS THE INSTRUMENT MARKED
AS EXHIBIT 18 REFERRED
TO IN THE AFFIDAVIT Gr. A.E.S. Torcorno
SWORN BEFORE ME THIS 18th
DAY OF Oct 25
COMMISSIONER FOR OATHS

Title of Policy: **FOREIGN TRAVELS BY HEAD OF THE JUDICIARY AND
SUPERIOR COURT JUDGES**

- Policy No:
- Type of Policy: **OVERSEAS TRAVEL FOR OFFICIAL BUSINESS**
- Effective Date: **5TH JANUARY 2019**
- Last Revised: **2010**

Purpose of Policy

The purpose of this Policy is to outline the necessary security and protocol requirements to support the Foreign Travels of the Chief Justice as Head of the Judiciary. It also provides for the logistical needs of Superior Court Judges on Official Travel.

This Policy draws its strength from the other two arms of Government where the state fully covers the travel expenses of the Aide-De-Camp and Protocol Officer or Personal Assistant who accompany the respective Heads on their Foreign Travels.

Policy Statement

The primary responsibility of the Judicial Service is to ensure that the Chief Justice is accorded maximum security and the required courtesies at all times as Head of the Judiciary and the fourth in line in the hierarchy of the State. To this end the State shall deploy requisite funding to assure safety and ease of travel at all times by the Chief Justice.

Policy Owner: Judicial Secretary

Implementers

Judicial Secretary and Deputy Judicial Secretaries. Communications Directorate Staff. Finance Directorate Staff. Judicial Service Teams involved in Financial Management who need to know about this policy directive.

DO(2)

Procedure

A. OFFICIAL TRAVEL BY THE CHIEF JUSTICE

1. The Chief Justice shall be accorded maximum security and courtesies on all official travels.
2. The Chief Justice shall travel with the Aide-De-Camp and Protocol Officer or any other person the Chief Justice may choose as a Personal Assistant, be it the Head of Secretariat, Secretary or any Staff or Judge.
3. As per the recommendations of the Professor Dora Francisca Adu-Buandoh Presidential Committee on Emoluments, the Chief Justice shall travel First Class or Business Class where the former is unavailable.
4. The Chief Justice shall be provided 5-Star Hotel Accommodation where available on all foreign Travels. However, if accommodation provided by the host is not as stipulated, this shall be upgraded by the Judicial Service.
5. The two accompanying officers shall travel Business Class or Economy where necessary in order to discharge their responsibilities to the Chief Justice.
6. Where the Chief Justice is in Business Class, the two accompanying Officers could be in the same cabin or the immediate cabin following.
7. The Judicial Service shall accommodate the accompanying Officers in the same Hotel at the rates of their actual ranks while ensuring that their rooms are in proximity with that of the Chief Justice.
8. Where the lowest cost of a room at the said hotel is higher than the rates applicable to the ranks of the accompanying Officers, the Service shall pay for the accommodation (Bed & Breakfast) while paying the Officers abated per diem.
9. The Chief Justice shall undertake unlimited official travels with either his/her Spouse or other person of his/her choice in a year, fully funded by the Judicial Service.
10. Where the Chief Justice is accompanied by the Spouse or other person, he/she shall travel on the same class of air ticket as the Chief Justice and shall be paid the equivalent of half the per diem paid to the Chief Justice.

11. Where the official trip is sponsored by other organisations, the Communications Directorate shall confer with the organisers to determine the extent of sponsorship, in terms of air ticket, accommodation and Daily Subsistence Allowance.
12. Where the logistics provided by the organisation fall short of what the Chief Justice ordinarily is entitled to, the Service shall make up for the shortfall.
13. Where the organisers indicate sponsorship for an accompanying person, the extent of sponsorship will be compared to that of the Service and the shortfall, if any, shall be borne by the Service.
14. In the case of Quinquennial Leave, the Chief Justice shall travel with his/her Security without the accompaniment of a Personal Assistant unless the leave involves performance of official assignments.

B. PERSONAL TRAVEL BY THE CHIEF JUSTICE

1. The Chief Justice shall be entitled to two round trip Business Class tickets (*Accra-London-Accra*) to be utilised during his/her vacation. Travel expenses, hotel accommodation and per diem will be borne by the Judicial Service and capped at 14 days per round trip.
2. Where the Chief Justice embarks on a personal or private foreign travel, he/she shall be accompanied by the Security *alone*
3. The travel expenses of the *Security* comprising, air ticket, hotel accommodation and per diem shall be borne by the Judicial Service.

C. OFFICIAL TRAVEL BY JUSTICES OF THE SUPERIOR COURT

1. As per the recommendations of the Professor Dora Francisca Adu-Buandoh Presidential Committee on Emoluments for article 71 Office Holders (2013-2017), as it affects Justices of the Superior Courts of Judicature, Justices of the Supreme Court and Court of Appeal shall travel Business Class and shall be accommodated in a 4-Star Hotel.
2. Justices of the High Court shall travel Economy Class and be provided with accommodation.

3. Where the hotel rate is not within their approved per diem rates, the Service shall pay for the hotel accommodation and the per diem shall be abated accordingly.
4. Where any Judge is accompanying the Chief Justice on a Foreign Travel, he/she shall be accommodated in the same hotel as the Chief Justice for ease of contact and assistance to the Chief Justice.
5. Where the Foreign Travel involve a group of five or more Judges, they shall be accompanied by a Protocol Officer who shall accord them the needed courtesies.
6. Where the official Travel is sponsored by another organisation, the Communications Directorate shall confer with the organisers to determine the extent of sponsorship, in terms of air ticket, accommodation and Daily Subsistence Allowance.
7. Where the logistics provided fall short of what the Judge or Justices will ordinarily be entitled to, the Service shall make up for the shortfall.

References

1. As pertains at the Executive and Legislative Arms of Government relating to their respective Heads
2. Recommendations of the Professor Dora Francisca Adu-Buandoh Presidential Committee on Emoluments for article 71 Office Holders (2013-2017) as it affects Justices of the Superior Courts of Judicature, approved by the President dated 23rd December 2016.
3. Judicial Council following the recommendations of the Fred Oheke Kena Committee's report on allowances for the Chief Justice in 2009 which took effect in 2010

RESPONSE TO AUDIT OBSERVATION

Disallowed Expenditure - \$28,000 and GH¢252,338.00

Observation

We observed that during our review of the expenditure on foreign travel that, the Hon. Lady Chief Justice travelled to Arusha, Tanzania with her spouse Mr. Francis Kofi Torkornoo instead of her security for her annual leave from 2nd to 10th September 2023.

Response

We make reference to the policy on foreign travels by the Head of the Judiciary and Superior Court Justices.

Paragraph 9 of the said policy states that the Chief Justice shall undertake at least two (2) official travels with either his or her spouse or one other person of his or her choice in a year, fully funded by the Judicial Service. This provision was amended at the 230th meeting of the Judicial Council held on 5th April 2019 to authorize the Chief Justice to travel with the spouse or other person of his or her choice on an unlimited number of official trips a year at the expense of the Judicial Service.

Paragraph 10 of the policy further states that where the Chief Justice is accompanied by the spouse or other person, he or she shall travel on the same class of air ticket as the Chief Justice and shall be paid the equivalent of half the per diem paid to the Chief Justice.

Please note that the Chief Justice opted to utilize the authorization in paragraphs 9 and 10 to travel with her spouse and other person during her personal travels from 2nd to 10th September 2023 and from 16th to 25th September 2023.

Paragraph A2 of the above-mentioned policy states that the Chief Justice shall travel with the Aid De Camp and Protocol Officer or any person the Chief Justice may choose as a personal assistant, be it the Head of Secretariat, Secretary of any staff or Judge.

Paragraph B2 of the policy states that where the Chief Justice embarks on a personal or private foreign travel, she shall be accompanied by the Security alone. Please note that the reference to being accompanied by the Security alone means that the requirement for the Chief Justice to travel with the Protocol Officer or any other person chosen as a Personal Assistant is not applicable in this instance.

In view of the foregoing explanation, there was no infraction occasioned when the Chief Justice opted to travel with her spouse on one trip and her daughter on another trip.

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DAY OF...
COMMISSIONER FOR OAT

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We have noted that in addition, the Security/ADC should have travelled along and this shall be done in future travels. The absence of the Security/ADC did not occasion any loss.

Observation 2

The former Chief Justice, His Lordship Justice Anin Yeboah also opted to travel to the United Kingdom (private foreign travel) in May 2023 with his spouse Madam Phyllis Ofori instead of his security detail.

Response

The same explanation applies to the Chief Justice, His Lordship Justice Anin Yeboah, who opted to utilize the provision in paragraphs 9 and 10 on his personal travel with his wife in May 2023.

We note that the security should have travelled along.

Observation 3

We further noticed that Miss Edem Sarah Amiga Torkornoo's air ticket which is supposed to be a business class just as that of the Hon. Lady Chief Justice, was rather the world travel plus business class which resulted in an additional amount of GHc9,552.00 in her ticket cost.

Response

The ticket for the Chief Justice was purchased a few months in advance of her trip resulting in a lower air fare. Miss Edem Sarah Amiga Torkornoo's air ticket on the other hand was purchased a few days to the commencement of the trip and comprised of a premium economy ticket on the first leg of the journey and a business class ticket on the return leg of the journey.

However as a result of the later timing of the purchase of these tickets Miss Torkornoo's ticket which should have been cheaper because of the premium economy class of ticket purchased ended up being more expensive than the Chief Justice's ticket.

We therefore respectfully request that since all these payments were properly authorized, they should be duly allowed. Henceforth, the policy on foreign travels by the Head of the Judiciary and Superior Courts Justices will be strictly adhered to.

RESPONSE TO AUDIT OBSERVATION

Failure to Retire Imprest – USD\$14,000.00

Observation

We noted from our review of the records of the subvention account that the Service granted accountable imprest amounting to \$14,000.00 to the Hon. Lady Chief Justice and Spouse to travel to Arusha, Tanzania for her annual vacation. However as at the time of writing the observation, the said amount had not been retired even though the Hon. Lady Chief Justice and the spouse had returned from the trip.

Response

The total imprest assigned was \$14,000 out of which an amount of \$4,411.80 was spent and the remaining amount of \$9,588.20 has been retired.

The relevant documents have been attached for verification.

RESPONSE TO AUDIT OBSERVATION

Avoidable Expenditure – GH¢75,580.00

Observation

In accordance with the policy for foreign travel by the Head of the Judiciary and superior court justices, the Chief Justice was given her entitlement of a return business class tickets travel expenses and hotel accommodation for a maximum of 14 days. The Hon. Lady Chief Justice was due in the country on the 10th of September 2023 per her itinerary. Contrary, we noted that, she instructed the head of protocol Mr. Sampson Yekple to change their return trip from Arusha, Tanzania to Accra, Ghana with Kenya Airways from 10th September to 9th September 2023. The reason for the change of the date from 10th September to 9th September is not known. Unfortunately, Kenya Airways does not fly on the proposed date. In view of this, the service paid GH¢75,580.00 for one way tickets of Ethiopia Airline for the Hon. Lady Chief Justice and the spouse.

In our view, the amount of GH¢75,580.00 paid as one-way tickets amounted to a financial loss. We recommend the recovery of the total amount of GH¢75,580.00 from the authorizing and the approving officers.

Response

The Hon. Lady Chief Justice had to cut her trip short from the 10th to the 9th September because she was invited by the Ghana Bar Association to give the Keynote Address at the Annual Bar Conference which commenced on the 10th of September 2023. She was therefore compelled to return to Ghana on the 9th September 2023.

Arrangements have been made for her to utilize a return ticket from Kenya Airways the next time she visits Arusha.

In view of the foregoing explanations, we respectfully submit that no financial loss has been occasioned.

In case of reply the number and date of the letter should be quoted

My Ref. No: CGAD/JJB/JS/4/24

Your Ref. No:

Tel: 233 (0) 302 664920/28/29

Fax: 233 (0) 302 6751495

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Good Governance
and Accountability



P. O. Box M.96

Accra

30 July 20 24

THE JUDICIAL SECRETARY
JUDICIAL SERVICE
ACCRA

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT 98713 REFERRED
TO IN THE AFFIDAVIT FOR Kono
SWORN BEFORE ME THIS 15th
DAY OF Oct 2024
COMMISSIONER FOR OAT

MANAGEMENT LETTER ON THE ACCOUNTS OF THE JUDICIAL SERVICE (JS) FOR THE PERIOD 1 JANUARY 2023 TO 31 DECEMBER 2023

Introduction

We have audited the accounts and other related records of the Judicial Service by Article 187, clause 2 of the 1992 constitution and section 11, subsection 1 of the Audit Service Act, 2000 (Act 584) for January to December 2023.

2. We wish to bring to your attention the following observations and recommendations made during the audit. We have discussed these matters with the key personnel whose comments and responses where appropriate have been incorporated in this management letter.

3. We shall be grateful to receive your response within 30 days after receipt of this management letter as required by Section 29 of the Audit Service Act 2000 (Act 584).

Management Letter on The Accounts of The Judicial Service (JS) for The Period 1s January 2023 to 31 December 2023

Audit Objectives

4. To obtain assurance that.
 - i. The accounting records were kept about accuracy, quality, and completeness.
 - ii. Sufficient and applicable internal control procedures were in place, and it was maintained that the Judicial Service complied with Acts, Regulations, policies, and other Directives.
 - iii. The financial records fairly represent the Judicial Service activities for the year under review.
 - iv. Authorized expenditure was substantiated by sufficient and acceptable documentation.
 - v. Sufficient and applicable internal control procedures were in place and maintained.

Key Personnel

5. For the period under review, the under-listed key personnel were responsible for the financial and administrative management of the Judicial Service.

No.	Name	Position	Period
1.	Justice Cyra Pamela C.A Koranteng (JA)	Judicial Secretary	Jan - Dec 2023
2.	Mrs. Vera A. M. Takyi	Director of Finance	Jan - Dec 2023
3.	Mr. Charles Idan	Dep. Director of Finance	Jan - Dec 2023
4.	Mr. Frederick Baidoo	Director of HR	Jan - Dec 2023
5.	Mr. Ablade	Director of Estates	Jan - Dec 2023
6.	Mr. Ampadu	Director of Transport	Jan - Dec 2023
7.	Mr. Barnabas Frans	Director of Procurement	Jan - Dec 2023

Scope of audit

6. The audit covered the review of Cash Management, Procurement, Transport Management, Payroll and Inventory Management, Assets management, Internal control systems review, and the assessment of the implementation of prior year audit recommendations.

Methodology

7. We adopted the Risk Base Audit Approach. To ascertain this fact, we obtained data from documents and key personnel about their financial and administrative duties and responsibilities. We also conducted the audit by the International Standards of Supreme Auditing Institutions (ISSAIs) and the International Standard on Auditing (ISA).

8. Summary of Significant Findings and Recommendation

- i. Our audit revealed that the Judicial Service paid GH¢1,232,651.4 (\$1,172,955.156) as a result of exchange rate losses to Messrs LUXURY WORLD due to delayed payment in the procurement of thirty-eight Toyota (38) Corolla vehicles in 2021. We advised management to liaise with the Ministry of Finance to ascertain the availability of funds before engaging in any contracts.
- ii. Our audit review of the transport records revealed that 15 retired superior court Judges of the Judicial Service have their duty post vehicles as required by their condition of service without the final approval from the Chief of Staff at the Presidency. We urged management to follow up on the request for approval letter sent to the Presidency and ensure that all the necessary processes leading to the sale of the vehicles to the Judges

are completed without any further delay, failure of which will have to be returned to the pool of the service waiting for the approval and payment.

- iii. We observed during our audit that, the service failed to withhold taxes amounting to GH¢55,662.55 from suppliers and service providers during the year under review. We recommended that the total amount of GH¢55,662.55 should be recovered from the contractors and the suppliers. Failure of which the amount should be paid by the Director of Finance to the Ghana Revenue Authority without any delay.
- iv. We noted during our review of the expenditure records that 113 payment vouchers amounting to GH¢8,273,297.90 were not supported with the relevant expenditure documents to authenticate the payment. We recommended that Management provide the appropriate supporting documents to authenticate the payment failure, of which the expenditure would be disallowed and surcharged to the officers who authorized the payments.
- v. Judicial Service paid an amount of GH¢953,772.63 to Messrs SAMS FIRMA as exchange rate losses on delayed payment for the supply of 235 Media Chest Freezers at a unit cost of GH¢3,300.00 in 2021. We recommended that the loss of GH¢935,772.00 be refunded into the retention account by the approving and Authorising officers.
- vi. Our examination of the payment vouchers reveals that the Judicial Service paid fuel allowances amounting to GH¢118,696.52 to three retired Chief Justices without presidential approval for the period under review.

We recommended that the Judicial Secretary should retrieve the amount from the three retired Justices and pay the same to the Auditor-General's Recovery account. We further advised that the Judicial secretary should with immediate effect stop the payment of such allowances pending presidential approval of the policy.

- vii. Our audit revealed that the service overpaid an exchange rate loss to the tune of GH¢492,887.72(USD\$47,569.61) as delayed in payment for the supply of 235 Media chest freezers in 2021 as a retirement package for 2020/2021 retirees of the service. We recommended that the total amount of GH¢492,887.72(USD\$47,569.61) should be recovered from the Director of finance and the Judicial Secretary.
- viii. Our audit of the IGF Accounts of the Judicial Service disclosed that the Director of finance failed to obtain VAT receipts from the suppliers and service providers to authenticate the total payments of GH¢1,160,818.18 with a VAT component of GH¢91,290.22 made to them for the period under review. We recommended that the Director of Finance obtain the VAT invoices from the suppliers to account for the VAT charged failure of which the amount of GH¢91,290.22 should be recovered from the approving officers of the payment vouchers and paid into the service account.
- ix. Management of the Judicial Service failed to present 63 payment vouchers with a total face value of GH¢2,377,885.45 to the audit team for audit. We recommended that management provide the payment vouchers for audit failure of which the total amount of GH¢2,377,885.45 should be refunded into the government chest without delay.

- x. We noted during our audit that the contracts between the Judicial Service and the three business centers namely Session Business Centre, Eskew Ventures, and Duplo and Judicial Service which expired on 19/07/18 have still not been renewed. We urged Management to ensure that the agreements are renewed for the three business centers without any further delay and revise all fees.
- xi. Our audit of the department's contract documents revealed that the service failed to keep the contract register to reflect the true state of payments made to the contractors on goods and services procured within the period. We recommended the Director of Finance procure a contract register and update all the goods and services procured within the period and submit it for our verification.
- xii. Our review of transport records and physical inspection of the Judicial Service's fleet of vehicles revealed that eighty-nine (89) official vehicles belonging to the Service have not been registered as government vehicles as directed by the Ministry of Transport in 2014. We recommended that the management should take steps to ensure that the vehicles are re-registered as directed by the Ministry.
- xiii. We noted during our review of the Transport Management System of the Judicial Service that management failed to renew the insurance policy and roadworthiness for (144) official vehicles belonging to the Service. We recommended that Management take the necessary steps to renew the insurance and roadworthy of all the Service's vehicles without any further delay and provide evidence for our verification.

- xiv. The Director of Human Resources failed to provide the audit team with the Electronic Payment Vouchers of management 336 units for audit. We urged the Director of HR to provide the outstanding EPVs for audit failure of which the sanctions in Section 98(1) of the PFM Act shall be applied.

Details of Findings and Recommendations

Losses Due to Delayed Payment --GH¢1,232,651.4(\$,172,955.15)

9. Regulation 78 of the Public Financial Management Regulations, 2019 (L.I. 2378) provides that a Principal Spending Officer of a covered entity is personally responsible for ensuring each payment of that covered entity's validity, accuracy, and legality of the claim for the payment.
10. Contrary to the above Regulation our audit revealed that the Judicial Service paid GH¢1,232,651.4 (\$,172,955.156) as a result of exchange rate losses to Messrs LUXURY WORLD due to delays in payment for the procurement of thirty-eight Toyota (38) Corolla vehicles in 2021.
11. Management failed to adhere to the terms of the contract strictly.
12. This wasteful expenditure could have been avoided if due diligence had been taken to honour the contract terms. Also, an amount of GH¢1,232,651.4 (\$,172,955.156) could have been used to support other developmental projects.

13. We advised management to liaise with the Ministry of Finance to ascertain the availability of funds before engaging in any contracts.

14. Management responded that the service complied with all the requirements by the Ministry of Finance to process payments to the supplier for onward submission to the Controller and Accountant General.

15. However, the CAGD failed to release the B T A on time, resulting in delays in honoring the contractual obligations.

Sale of Duty Post Vehicles to 15 Retired Justices - GH¢ 3,743,939.00

16. Table 7.3 (G) (ii) on condition of service for Superior Court Judges of the Judicial Service, gives the Superior Court Judges on retirement the option to purchase one duty post vehicle.

17. Our audit revealed that 15 retired superior court Judges of the Judicial Service have written to the Chief Justice to acquire their duty post vehicles as required by their condition of service. The total value of the vehicle was GHS 3,743,939.00 as established by the State Transport Company (STC) valuation report(s)

18. We further noted that their request has been granted by the Chief Justice awaiting the final approval from the Chief of Staff at the Presidency to enable the retired Judges to pay for the values of the vehicles.

19. However, a letter with reference number SCR 54/Vol.7 dated 11/07/2023 was signed by Her Ladyship Justice Cyra Pamela C. A Koranteng

(JA) the Judicial Secretary to the office of the Chief of Staff requesting approval to auction the vehicles to the judges has since not received a response. Meanwhile, the retired judges have taken possession of the cars without approval and payment. Details are attached as Appendix "A".

20. The anomaly was a result of a delay in approval by the Chief of Staff at the presidency.

21. The situation could lead to the state losing the amount of GHS 3,743,939.00 of 15 vehicles to the state in case of any eventuality since the documentation of the vehicle has not been fully completed.

22. We urged management to follow up on the request for approval letter sent to the Presidency and ensure that all the necessary processes leading to the sale of the vehicles to the Judges were completed without any further delay, failure of which the vehicles will have to be returned to the pool of the service waiting for the approval and payment.

23. We also recommended to management to ensure strict compliance with the approved condition of service by selling only one car to the Judges even though some of them have expressed interest in more than one.

24. Management acknowledged the observation for compliance however explained that a follow-up was made to the presidency and a letter was written to the Ministry of Finance approving the request.

25. The audit team is yet to receive a copy of the approval letters from the Presidency and the Ministry of Finance for our perusal.

Failure to Withhold Tax - GH¢55,662.55.

26. Section 117 (1) a of the Income Taxes Act, 2015 (Act 896) states that "A withholding agent to pay the Commissioner-General within 15 days after the end of each calendar month a tax that this Division has withheld during the month.

27. We noted during our audit that, the service made payments totalling GH¢970,672.76 to suppliers and service providers but failed to withhold taxes amounting to GH¢55,662.55. Details are attached as Appendix 'B'.

28. The anomaly occurred due to a weakness in the payment process.

29. This practice denied the state the revenue needed for the development and could attract Penalty payment.

30. We recommended that the total amount of GH¢55,662.55 should be recovered from the contractors and the suppliers. Failure of which the amount should be paid by the Director of Finance to the Ghana Revenue Authority without any delay.

31. Management accepted the observation for compliance and promised to remit the outstanding tax amount of GH¢55,662.55 to GRA.

Unsupported Payments -GH¢8,273,297.90

32. Section 78(1) of the Public Financial Management Regulations (PFMR) 2019, L.I.2378 states that a Principal Spending Officer of a covered entity is personally responsible for ensuring respect of each payment of that covered entity the validity, accuracy, and legality of the claim for the payment that evidence of services received, certificates for work done and any other supporting documents exist.
33. We noted during our review of the expenditure records that 113 payment vouchers amounting to GH¢8,273,297.90 were not supported with the relevant expenditure documents to authenticate the payment. Such as receipts, invoices, honour certificates, acknowledgment of receipts by beneficiaries, statements of accounts, activity reports, signed participant attendance sheets, etc to authenticate the disbursements made. Details are attached as Appendix 'C'.
34. The anomaly could be attributed to the Director of Finance failing to obtain supporting documents before payment was effected.
35. This could lead to payments for goods not supplied and services not rendered to the Service.
36. Also, the absence of these records made it impossible for the audit team to examine and ascertain the authenticity of these transactions and their conformity with relevant Regulations.
37. We recommended that Management provide the appropriate supporting documents to authenticate the payments, failure of which the expenditure

would be disallowed and surcharged to the officers who authorized the payments.

38. Management accepted the observation for compliance and stated that most of the payment vouchers were not attached due to their bulky nature.

Wasteful Expenditure -GH¢953,772.63

39. Section 7 of the Public Financial Management Act, 2016 (Act 921), states that a Principal Spending Officer of a covered entity shall ensure the regularity and proper use of money appropriated in that covered entity.

40. Our review of the retention account records disclosed that Judicial Service paid an amount of GH¢953,772.63 to Messrs SAMS FIRMA as exchange rate losses on delayed payment of the supply of 235 Media Chest Freezers at a unit cost of GH¢3,300.00 in 2021.

41. These Chest Freezers were given to the 2020 and 2021 retirees of the service as a retirement package. Details are as follows

No.	Narration	Amount in USD (\$)	Interbank Dollar to Cedi Exchange Rate	Amount in (GH¢)
1	Value of contract at the time of Tender Submission 24 th August 2021	132,870.73	5.8365	775,500.00
2	Value of Contract price at the time of payment 11/11/2022 exclusive of taxes	132,870.73	13.0147	1,729,273.00
3.	Loss to supplier/ Amt Paid	<u>73,284.26</u>	13.0147	<u>953,772.65</u>

42. Management's failure to pay the supplier on time resulted in this anomaly.

43. The amount of GH¢953,772.63 paid to Messrs SAMS FIRMA resulted in a financial loss that could have been averted if the service had paid the supplier on time as agreed upon in the contract.

44. We recommended that the loss of GH¢935,772.00 be refunded into the retention account by the approving and Authorising officers.

45. Management responded that the Ministry of Finance caused the delay in payment to SAM FIRMA.

Wrongful Payment of fuel allowances to retired Chief Justices - GH¢118,696.52.

X 46. The Presidential approval on condition of service for retired Chief Justices requires that by its letter dated 9th April 2021, titled, **Re: Implementation of the report of the Professor Yaa Ntiamoah Presidential Committee on emoluments for Article 71 office holders (2017-2021)** as it affects Justices of the Superior Courts of Judicature, referenced SCR/DA97/478/01/A. Chief Justices while in the office are entitled to one chauffeur-driven official vehicle, fully maintained, comprehensively insured, and fuelled. But on retirement have an option to purchase one duty post vehicle.

47. Contrary to the above, our examination of payment vouchers reveals that the Judicial Service paid fuel allowances amounting to GH¢118,696.52 to three

retired Chief Justices without presidential approval for the period under review.

Details below:

DATE OF PAYMENT	PV NUMBER	SWIFT NUM	DETAIL/DESCRIPTION	BENEFICIARY	AMOUNT (GH¢)
Dec-22	JS/JAN/050/2023	701797-98	Fuel allowance for December 2022		6,480.00
					6,480.00
Jan-23	JS/FEB/270/2023	701795-96	Fuel allowance for January 2023		5,850.00
					5,850.00
30/08/2023	JS/FIN/IGF/2023/511/AS	812108	Fuel Allowance for May, June, July 2023.		16,825.50
					16,825.52
					11,137.50
22/05/2023	JS/FIN/IGF/2023/288/AS	762329	Fuel Allowance for April 2023		5,769.00
					5,769.00
24/03/2023	JS/FIN/IGF/2023/145/AS	734842	Fuel Allowance for Dec 2022 to Feb 2023		18,855.00
					18,855.00
TOTAL					118,696.52

48. The Judicial Secretary failed to ensure the implementation of the report of the Professor Yaa Ntiamoah Presidential Committee on emoluments for Article 71 office holders.

49. This could lead to a potential financial loss to the state.

50. We recommended that the Judicial Secretary should retrieve the amount from the three retired justices and pay the same to the Auditor-General's Recovery account. We further advised that the Judicial secretary should with

immediate effect stop the payment of such allowances pending presidential approval of the policy.

51. Management responded by providing a letter dated 4th July 2023 written by the Judicial Secretary requesting the retrospective approval for the provision of fuel for retired Chief Justices pending approval by the Chief of Staff.

Overpayment of Exchange Rate Losses GH¢492,887.72(USD\$47,569.61)

52. Regulation 78 of the Public Financial Management Regulations, 2019 (L.I. 2378) provides that, a Principal Spending Officer of a covered entity is personally responsible for ensuring in respect of each payment of that covered entity, the validity, accuracy, and legality of the claim for the payment.

53. Our audit revealed that the service overpaid an exchange rate loss to the tune of GH¢492,887.72(USD\$47,569.61) as delayed in payment for the supply of 235 Media chest freezers in 2021 as retirement package for 2020/2021 retirees of the service. The service failed to confirm the supplier's figures when presented before effecting payment. Details are as follows:

EXCHANGE RATE LOSSES PRESENTED BY THE MESSRS SAMS FIRMA AND PAID BY JUDICIAL SERVICE

No.	Narration	GH¢	USD	Interbank Exchange Rate
1	Value of contract at the time of Tender Submission 24 th August 2021	775,500.00	132,870.73	5.8365
2	Value of Contract at the date of payment 11/11/2022 exclusive taxes	775,500.00	59,586.47	13.0147
3.	Loss to supplier/ Amt Paid	<u>953,772.65</u>	<u>73,284.26</u>	13.0147

EXCHANGE RATE LOSSES REQUIRED TO BE PAID TO MESSRS SAMS FIRMA

No.	Narration	GH¢	USD	Interbank Exchange Rate
1	Value of contract at the time of delivery on 18/02/2022	775,500.00	119,326.05	6.499
2	Value of Contract price at payment date 19/01/2023 exclusive of taxes	775,500.00	74,845.09	10.3614
3.	Loss to supplier	460,884.93	44,480.951	10.3614
4	Amount paid	953,772.65	73,284.26	13,0147
	Overpayment	<u>492,887.72</u>	<u>47,569.61</u>	10.3614

54. The anomaly could be attributed to the failure to undertake due diligence on the part of the Finance Director and the Approving officers.

55. This has resulted in financial loss to the Service and the state.

56. We recommended that the total amount of GH¢492,887.72(USD\$47,569.61) should be recovered from the Director of finance and the Judicial Secretary.

57. Management failed to respond to the observation.

Failure to Obtain VAT Receipts - GH¢91,290.22.

58. Section 19 of the VAT Regulations, 1998 (L.I. 1646) stipulates that "a taxable person shall on making the supply of goods and services issue to the customers or persons supplied a VAT invoice." In addition, Section 6 of the VAT Act, 2013 (Act 870) (as Amended) also requires that all taxable suppliers are to be VAT registered.

59. Our audit of the IGF Accounts of the Judicial Service disclosed that the Director of finance failed to obtain VAT receipts from the suppliers and service providers to authenticate the total payments of GH¢1,160,818.18 with a VAT component of GH¢91,290.22 made to the suppliers and the service providers for the period under review Details are attached as Appendix 'D

60. The Director of finance failed to ensure that all payments were properly authenticated in full compliance with the value-added tax law.

61. Failure to comply with the above provisions not only leads to loss of VAT revenue to the state but also constitutes a denial of the needed revenue to support the Government's developmental programs thereby undermining the effectiveness of the Act quoted above.

62. We recommended that the Director of Finance obtain the VAT invoices from the suppliers to account for the VAT charged failure of which the amount of GH¢91,290.22 should be recovered from the approving officers of the payment vouchers and paid into the service account.

63. Management acknowledged the observation and assured the audit team of contacting the suppliers to submit their VAT receipts for our verification.

Payment Vouchers not Presented for Audit - GH¢2,377,885.45.

64. Regulation 82 (1) of the Public Financial Management Regulation (PFMR) 2019 (L.I 2378) stipulates that a payment by a covered entity shall be accompanied by a payment voucher authorized by the head of accounts and which is approved by the Principal Spending Officer.

65. Contrary to the above regulation the Management of the Judicial service failed to present 63 payment vouchers with a total face value of GH¢2,377,885.45 to the audit team for audit. Details are attached as Appendix 'E'.

66. We attribute this anomaly to poor filing of financial records and inadequate safety measures put in place resulting in the inability of the account officers to make the vouchers available for our examination.

67. Failure to present these payment vouchers and their relevant expenditure supporting documents as evidence of disbursement made it difficult for the audit team to authenticate the transactions.

68. This practice could result in suppression of funds, diversion, and eventual loss of funds to the service as well as the state.

69. We recommended that management provide the payment vouchers for audit failure of which the total amount of GH¢2,377,885.45 should be refunded into the government chest without delay.

70. Management accepted the observation for compliance.

Failure to Renew Service Agreements with Business Centres

71. Section 7(1c) of the Public Financial Management Act 2016 (Act 921) enjoins a Principal Spending Officer of a covered entity to manage the resources received, held, or disposed of by or on account of the covered entity.

72. Additionally, clause fifteen (15) of the Service Contract Agreement dated 19/07/13 between the Judicial Service of Ghana and the Business Centres states that "Upon written demand of any of the parties this contract may be reviewed every five (5) years from the execution of this contract."

73. We noted during our audit that the contracts between the Judicial Service and the three business centers namely Session Business Centre, Eskew Ventures, and Duplo expired on 19/07/18 and have still not been renewed.

74. Failure of the estate director to ensure that the contracts were renewed immediately after expiration caused the anomaly.

75. This puts the Judicial Service in a risky position in case of any misunderstanding or legal battle between the two parties. Additionally, the service also causes to lose huge sums of money because fees charged are not reversed to reflect the current prices.

76. We urged Management to ensure that the agreements are renewed for the business centers without any further delay.

77. Management responded that the Judicial Service did not sign any service contract agreement with the above-mentioned business centers but only tenancy agreements that have been renewed since 1 November 2022 and will expire on 31 October 2025.

78. The document presented to the audit team indicated that there was a contract agreement hence we reiterate our earlier recommendation

Failure to Maintain the Contract Register

79. Our audit of the Service contract documents revealed that the service failed to keep the contract registered to reflect the true state of payments made to the contractors on goods and services procured within the period.

80. The practice contravenes Section 52 of Public Financial Management Act 921, (Act 2016), which states that "a Principal Spending Officer of a covered entity, state-owned enterprise or public corporation shall be responsible for the assets of the institution under the care of the Principal Spending Officer and shall ensure that proper control systems exist for the custody and management of the assets"

81. Management failed to give the audit team reasons why they failed to for not maintain the contract register.

82. Failure to maintain the contract register made it difficult for the audit team to confirm the value of the payables in the financial statements. It could lead to overpayment or underpayment of funds to the contractors.

83. We recommended that the Director of Finance procure a contract register, update all the goods and services procured within the period, and submit it for our verification.

84. Management accepted the observation for compliance and assured the audit team that a contract register has been procured by the service however, management is yet to present it to the audit team for inspection.

Failure to Re-Register Eighty-Nine (89) Official Vehicles of the Service

85. The Ministry of Transport gave a directive in the year 2014 that all government vehicles should be re-registered with the green number plate to reflect government ownership.

86. Contrary to the directive above, our review of transport records and physical inspection of the Judicial Service's fleet revealed that eighty-nine (89) official vehicles belonging to the Service have not been registered with the green number plate as directed by the Ministry of Transport in 2014. Details are attached as Appendix "F".

87. Failure of Management to strictly comply with the Ministry of Transport's directive occasioned the anomaly.

88. As a result of that it makes it difficult to differentiate official vehicles from private vehicles.

89. Also, the possibility that the vehicle could be put to private use or abused by officers without any fear due to the absence of the GV plates on it cannot be ruled out.

90. We recommended that management should take steps to ensure that the vehicles are re-registered as directed by the Ministry.

91. Management accepted the observation and promised to comply with the recommendations and take steps to prevent re-occurrence.

Failure to Renew Insurance and Roadworthiness of Official Vehicles

92. The Motor Vehicle Act of 1958 requires every motor vehicle to be insured.

93. Regulation 8 of the Road Traffic Regulations requires a roadworthiness certificate and the placement of a sticker indicating the roadworthiness of the vehicle before a vehicle can be used.

94. We noted during our review of the Transport Management System of the Judicial Service that management failed to renew the insurance policy and roadworthiness for (144) official vehicles belonging to the Service. Details are attached as Appendix 'G'.

95. According to Management, the anomaly was due to inadequate funding of the service's budget for the period.

96. Failure to ensure the roadworthiness of official vehicles exposes users of the road to various risks as it does not guarantee the safe use of the vehicles.

97. The absence of a valid roadworthy and insurance policy is not only illegal but also poses a threat to lives and properties in the event of an accident thereby making the service fully liable.

98. We recommended to Management to take the necessary steps to renew the insurance and roadworthy of all the Service's vehicles without any further delay and provide evidence for our verification.

99. Management accepted the observation for compliance and stated that steps are underway to procure comprehensive insurance policies for ninety-eight (98) official vehicles that are five years old and below.

100. All other vehicles above the age of five years will also have a third-party insurance policy.

Failure to Present Electronic Payment Vouchers for Audit

101. Section 98(1) of the Public Financial Management Act, 2016 (Act. 921) states that A person who refuses or fails to produce or submit any information required under this Act commits an offence, and where no penalty is provided for the offence, is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than two years or both.

102. Contrary to the above Act, the Director of Human Resources failed to provide the audit team with the Electronic Payment Vouchers of 336 management units for audit. Details are attached as Appendix 'H'.

103. We attribute the lapse to failure on the part of the Director of Human Resources to coordinate the various management units of the service to provide the EPVs for our review.

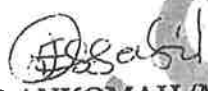
104. As a result of that the audit team could not confirm the authenticity of the total amount of compensation stated in the financial statement.

105. We urged the Director of HR to provide the outstanding EPVs for audit failure of which the sanctions in Section 98(1) of the PFM Act shall be applied.

106. Management responded that the officers in charge of the EPVs were faced with network challenges hence their inability to submit the soft copies of EPVs for audit as requested by the audit team however, management has directed the officers to submit hard copies of the EPVs for audit.

Acknowledgment

107. We wish to express our appreciation to the management and staff of the Judicial Service for their cooperation and the assistance extended to the audit team.


ESTHER ANKOMAH (MRS)
DIRECTOR OF AUDIT/CGAD/JJB
for: AUDITOR GENERAL

Cc: The Judicial Secretary
Judicial Service
Accra.

The Finance Director
Judicial Service
Accra.

The DAG/CGAD
Audit Service
Accra.

U.S.I.D.
From the Desk of the
Judicial Secretary

7
Exh - U.3

MEMORANDUM

FROM: JUDICIAL SECRETARY

TO: DEPUTY JUDICIAL SECRETARY
DIRECTOR, COMMUNICATIONS
DIRECTOR, FINANCE
DIRECTOR, HUMAN RESOURCE
DIRECTOR, AUDIT
HEAD, PROTOCOL

CC: THE HONOURABLE LADY CHIEF JUSTICE

DATE: 1st JULY 2024

SUBJECT: POLICY FOR FOREIGN TRAVELS BY HEAD OF THE JUDICIARY
AND SUPERIOR COURT JUDGES

At the 285th Meeting of the Judicial Council held on Wednesday, 26th June 2024, Council approved the amended policy for foreign travels by the Head of the Judiciary and Superior Court Judges.

Please find attached the amended policy for your information and necessary action

JUSTICE CYRA PAMELA C. A. KORANTENG (JA)

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT Q.A.E.S. 10 REFERRED
TO IN THE AFFIDAVIT for Koranteng
SWORN BEFORE ME THIS 1st
DAY OF July

COMMISSIONER FOR OAT



TITLE OF POLICY: FOREIGN TRAVELS BY HEAD OF THE JUDICIARY AND SUPERIOR COURT JUDGES

- Policy No:
- Type of Policy: **OVERSEAS TRAVEL FOR OFFICIAL BUSINESS**
- Effective Date: **26th June 2024**
- *Last Revised: 2024*

PURPOSE OF POLICY

The purpose of this Policy is to outline the necessary security and protocol requirements to support the Foreign Travels of the Chief Justice as Head of the Judiciary. It also provides for the logistical needs of Superior Court Judges on Official Travel.

This Policy draws its strength from the other two arms of Government where the State fully covers the travel expenses of the Bodyguard and Protocol Officer and/or Personal Assistant who accompany the respective Heads on their Foreign Travels.

POLICY STATEMENT

The primary responsibility of the Judicial Service is to ensure that the Chief Justice is accorded maximum security and the required courtesies at all times as Head of the Judiciary and the fourth in line in the hierarchy of the State. To this end the State shall deploy requisite funding to assure safety and ease of travel at all times by the Chief Justice.

POLICY OWNER: Judicial Secretary

IMPLEMENTERS

Judicial Secretary, Deputy Judicial Secretaries, Communications Department Staff, Protocol Unit, Finance Department Staff and Judicial Service Teams involved in Financial Management who need to know about this policy directive.

PROCEDURE

1. GENERAL PROVISIONS RELATING TO FOREIGN TRAVELS

- 1. The Chief Justice shall be accorded maximum security and courtesies on all Foreign Travels*
- 2. As per the recommendations of the Professor Yaa Ntiamoah Presidential Committee on Emoluments, the Chief Justice shall travel First Class or Business Class.*
- 3. Where the Chief Justice is accompanied by the Spouse or other person, he/she shall travel on the same class of air ticket as the Chief Justice and shall be paid the equivalent of half the per diem paid to the Chief Justice.*
- 4. In the case of Quinquennial Leave, the Chief Justice may travel with his/her Spouse or other person of his/her choice. He/she shall also travel with a Bodyguard but without an Assistant unless the leave involves performance of official assignments.*
- 5. Superior Court Judges shall be accorded protocol courtesies on all Foreign Travels*

2. OFFICIAL TRAVEL BY THE CHIEF JUSTICE

- 1. The Chief Justice shall travel with his/her Bodyguard/Police Escort and a Protocol Officer or any other person the Chief Justice may choose as an Assistant.*
- 2. The Chief Justice shall be provided 5-Star Hotel Accommodation on all foreign Travels. However, if accommodation provided by the host is not as stipulated, this shall be upgraded by the Judicial Service.*
- 3. The accompanying officers shall travel Business Class or Economy as applicable in order to discharge their responsibilities to the Chief Justice.*

4. The Judicial Service shall accommodate the accompanying Officers in the same Hotel at the rates of their actual ranks while ensuring that their rooms are in proximity with that of the Chief Justice.
5. Where the lowest cost of a room at the said hotel is higher than the rates applicable to the ranks of the accompanying Officers, the Service shall pay for the accommodation (Bed & Breakfast) while paying the Officers abated per diem.
6. The Chief Justice shall undertake unlimited official travels with either his/her Spouse or other person of his/her choice in a year, fully funded by the Judicial Service.
7. Where the official trip is sponsored by other organisations, the Protocol Unit shall confer with the organisers to determine the extent of sponsorship, in terms of air ticket, accommodation and Daily Subsistence Allowance.
8. Where the logistics provided by the organisation fall short of what the Chief Justice ordinarily is entitled to, the Service shall make up for the shortfall.
9. Where the organisers indicate sponsorship for an accompanying person, the extent of sponsorship will be compared to that of the Service and the shortfall, if any, shall be borne by the Service.

3. UNOFFICIAL TRAVEL BY THE CHIEF JUSTICE

1. The Chief Justice shall be entitled to two round trip Business Class tickets to a location of her choice to be utilised during his/her vacation. Travel expenses, hotel accommodation and per diem will be borne by the Judicial Service and capped at 14 days per round trip.
2. *The Chief Justice may travel with his/her spouse or other person of his/her choice but shall travel with his/her Bodyguard.*
3. The travel expenses of the accompanying persons comprising, air ticket, hotel accommodation and per diem shall be borne by the Judicial Service.

4. OFFICIAL TRAVEL BY JUSTICES OF THE SUPERIOR COURTS

1. As per the recommendations of the *Professor Yaa Ntiemoah* Presidential Committee on Emoluments for article 71 Office Holders (2017-2020), as it affects Justices of the Superior Courts of Judicature, Justices of the Supreme Court and Court of Appeal shall travel Business Class and shall be accommodated in a 4-Star Hotel.
2. Justices of the High Court shall travel Business Class and be accommodated in a 3-Star Hotel.
3. Where the hotel rate is not within their approved per diem rates, the Service shall pay for the hotel accommodation and the per diem shall be abated accordingly.
4. Where any Judge is accompanying the Chief Justice on a Foreign Travel, he/she shall be accommodated in the same hotel as the Chief Justice for ease of contact and assistance to the Chief Justice.
5. Where the Foreign Travel involves a group of *three or more* Judges, they shall be accompanied by a Protocol Officer who shall accord them the needed courtesies.
6. Where the official Travel is sponsored by another organisation, the *Protocol Unit* shall confer with the organisers to determine the extent of sponsorship, in terms of air ticket, accommodation and Daily Subsistence Allowance.
7. Where the logistics provided fall short of what the Judge or Justices will ordinarily be entitled to, the Service shall make up for the shortfall.

References

1. As pertains at the Executive and Legislative Arms of Government relating to their respective Heads.
2. Recommendations of the *Professor Yaa Ntiemoah* Presidential Committee on Emoluments for article 71 Office Holders (2017-2020) as it affects Justices of the Superior Courts of Judicature, approved by the President dated 23rd December 9th April 2021.

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT 455 REFERENCE
TO IN THE ABOVE CASE
SWORN BEFORE ME THIS 25
DAY OF October
1945
COMMISSIONER FOR OAT



Investigation Report

Alleged Document Tampering in Criminal
Court 3 — High Court, Accra in the case of
“The Republic Vs James Gyakyé Quayson”

National Signals Bureau | September, 2023

Do GA

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INVESTIGATIONS INTO ALLEGED TAMPERING OF OFFICIAL DOCUMENTS IN CRIMINAL
COURT 3—HIGH COURT ACCRA

Executive Summary

The Office of the Chief Justice on July 28, 2023, appealed to the National Signals Bureau (NSB) to launch an investigation into alleged tampering of documents covering proceedings on July 19, 2023, at the High Court, Criminal Division 3 (hereafter referred to as the "Court") in Accra, in the case of "The Republic vs James Gyakye Quayson".

Reports and preliminary briefings received by officers of the Bureau on the same day (July 28, 2023) at about 1845 HRS suggested that the questions and answers section of Court proceedings on July 19, 2023, had been replaced with questions and answers of the previous date—July 18, 2023.

The Bureau employed tactical and digital forensic investigations to determine whether the said act was intentionally done by one Doreen Darko, a Recorder at the Court who typed proceedings of the case on that day onto her officially-assigned computer, or unknown person(s) had gained unauthorized access to the same computer in the Court room.

Investigations indicated that the computer was accessed outside the working hours on July 19, 2023 without authorization, suggesting that the document was deliberately modified on the same day after the Court closed.

Furthermore, it was established that the system logs of the computer had been tampered with, suggesting an attempt to conceal the unauthorized access.

Finally, upon consideration of the system log timestamps and relevant information extracted through interviews and interrogations, one Francis Baiden, the Deputy Director of Information Technology (IT), and one Adwoa Boatemaah Prempeh, a Court Clerk, were identified as the prime suspects.

DIGITAL FORENSICS REPORT

Background of Case

The National Signals Bureau received a request from the Office of the Chief Justice on July 28, 2023, to investigate the alleged tampering of a document covering proceedings on July 19, 2023, at the High Court, Criminal Division 3 (hereafter referred to as the "Court") in Accra, in the case of "The Republic vs James Gyakye Quayson".

It was gathered that several members of the Court room staff and the Information Technology (IT) team, upon realization of the alleged tampering, suggested that one Doreen Darko, a Court Recorder, may have failed to save the Microsoft Word file after typing, or could have accidentally overwritten same with the previous day's proceedings.

Also, the IT staff confirmed that the said file had not been uploaded to the E-Justice System - an electronic platform that helps to automate case filing, fee assessment, online payments and execution of court decisions - hence no backup could be retrieved.

It was also unanimously established by the staff at the Court that the computer in question restarted several times on July 19, 2023, and as a result, Doreen Darko could not completely type the proceedings of "The Republic vs James Gyakye Quayson", and other cases.

Despite the above, our checks indicated that all the questions and answers of the day's proceedings were typed and saved on the computer.

List of Suspects

Officers from the Bureau during investigations identified the following as suspects:

- i. Francis Ephraim Baiden — Deputy Director of IT
- ii. Seth Nkrumah-Banagod — Maintenance and Support Staff Member
- iii. Albert Adanse — IT Staff Member
- iv. Pascal Naa Zury — IT Staff Member
- v. Adwoa Boatemaah Prempeh — Clerk

- vi. Mavis Amoatey Teby — Clerk
- vii. Doreen Karikari Darko — Recorder
- viii. Sandra Acheampong — Recorder

Account of Justice Mary Yanzuh — Judge of the Court

Justice Mary Yanzuh, Judge of the Court confirmed that she rose from the last proceedings of July 19, 2023 at about 1610 HRS, and spent about ten (10) minutes in her chamber before leaving the Court building.

Justice Yanzuh explained that it was the norm at the Court for one person, usually the most recent staff member, to stay behind and lock the chamber following her departure.

Justice Yanzuh further recounted that, while in her chamber, she inquired from one Adwoa Boatemaah Prempeh, the Court Clerk who was tasked to stay behind and lock the chamber about the whereabouts of the other staff, to which Adwoa responded that they had all left the building.

Questions Posed to Suspects During Forensic Examination

Prior to the digital forensics, the investigations team questioned Doreen Darko and Sandra Acheampong, who are the designated Recorders at the Court about their daily tasks as follows:

Questions:

Do you share the same password to the computer in the court room?

Have you shared the password with any other staff of this court?

Have you ever asked anyone to perform any activity on the computer in your absence?

How was the proceedings of The Republic vs James Gyakye Quayson saved?

Did you at any point open the proceedings of July 18, 2023?

Did you shut down the computer before leaving?

Search for Evidences

Based on the answers to the questions above, and the account of Justice Yanzuh, the team set out to find the following evidence.

1. Evidence that the file in question was either deleted or mistakenly overwritten.
2. Access to the computer in criminal court 3 after the court had closed.
3. Evidence of consistency of system logs or otherwise.

Exhibit Submitted for Analysis

The Bureau took possession of the computer in question, a DELL OPTIPLEX 9020 System Unit with the description: **JS/L.C.C/CATERAK'S OFF/SYS.UN/1/16**, painted on the chassis on July 28, 2023, at about 1900 HRS, although only the hard disk drive - a Seagate 1000GB with serial number: **Z4Y41EB2** - was needed.

Method of Analysis

Doreen Darko, the official user of the computer had earlier confirmed that the file was named "19-7-23" on the disk partition labeled as D, in a folder named "The Republic vs James Gyakye Quayson".

Recovering the original file was of utmost importance, hence, the hard drive was first connected via USB to a forensic workstation for preliminary assessment to determine whether it was in a good working condition, as another report received from the IT staff of the Court had suggested that the computer could not boot at all on July 24, 2023.

During the disk test using various command line tools, it was established that the file had not been deleted, as no trace of a deleted file bearing the name of the file in question was identified from the list of deleted files.

The hard drive was again connected to CellBrite UFED, a digital forensic extraction system, as a mass storage drive to forensically extract every file written to that hard disk in an attempt to explore all possible options of retrieving the file but no such file had been deleted.

Upon establishing that the file had not been deleted, it was no longer necessary to create an image of the whole drive. Rather, the proceedings of July 18, 2023, which was named as "18-7-23", and that of July 19, 2023, named as "19-7-23" in the same folder, were copied for further analysis without altering the actual hard drive.

The windows event log file and other files from the Microsoft Word AppData directory were also copied unto the forensic workstation for thorough analysis. The actual computer was not powered on during its time in custody. Below are the hashes of the most relevant files which were copied.

File Name	MD5 Hash	SHA 1
18-7-23	be3aa7d0ef515ce888d2e90f6358009a	135f86d6aa03b1c4bde5c569941f1a23e17f4d63
19-7-23	6042c8467edf18f308831528ab4761e7	fa2538f8e738a6eb1ba459d6e2e8dc4ef2bde6d8
System.evtx	9fadea701546d2cd11e8b68c4df74bbe	9e68674a686650e3799d0af5fce49f995fb47543
Security.evtx	94e5a2b315f93f35e6adaf5dcbbf1a4d	04b2a413c2faed6837c18f5c0f9d043383d4461c
Oalerts.evtx	16b4a1e2785ddf73912e5f7c9a300fc8	7b537e2dfcde6f45cde00456baeb73a8028a5244
GQDM.png	632941dceea2bd2935b6ea16c051b49e	310ea90a8d726f7fec7e859ac8e00c6f11b2dc42

The next step was to attempt to restore previous versions of the file in question but all the Microsoft Word backup files retrieved were either different or had the same content.

It was later discovered that the IT team at the Court had already attempted to use those files for recovery, rendering them unusable for a successful recovery.

In order to establish how the proceedings of July 19 might have been modified with that of July 18, both documents were compared in Microsoft Word Processor.

As the Court Recorders confirmed, the proceedings of the previous day which was named "18-7-23", was opened and saved as "19-7-23" to create a new document. The portions of the new document which would be different from the previous day, such as the **day, date and Counsels** present were then modified to reflect the details of the new day's proceedings.

Tracking the changes in the two documents revealed that, the only modifications on the "19-7-23" were the changes to the **day, date, Counsel**, in addition to the last portion where the words "By Court" were typed.

It was also gathered that other observed changes were actions to format the document, and all the changes were made in the name of Doreen Darko.

The observed changes thus meant that, Doreen Darko did not type any letter at the questions and answers section after modifying the title and counsel section, but moved on to type the "By court".

From our investigations on the typing procedure by Court Recorders, lawyers and the Judge are able to see the questions and answers being typed from other screens while proceedings are ongoing, hence Darko's attention would have been drawn if she failed to type into the questions and answers section.

Also, if Darko had not saved the file before closing it, there would have been at least some portions of the file autosaved by the Microsoft Word processor.

Evidence from the above, coupled with other facts such as the total editing time recorded for the file "19-7-23", indicated that the perpetrator(s) reopened the file "18-7-23" that contained content of that day, and saved it as "19-7-23", to overwrite the original "19-7-23" document.

The perpetrator(s), probably having deep knowledge about the work of the Court Recorders, and being familiar with the Counsels, only modified those sections of the document and saved same.

Darko typed the "By Court" portion for the "19-7-23" document on July 20, 2023, and saved, unbeknown to her that its original content had been tampered with.

Examination Details

Based on the typing procedure of the Court Recorders, and the lack of evidence to suggest that the file had been accidentally overwritten, the team searched for evidence of potential unauthorized access to the computer between 1610 HRS on July 19, 2023 when the Court closed, and the morning of July 20, 2023, through to July 27, 2023, when the computer was last powered on.

Albert Adanse and Pascal Zury, members of the IT staff at the Court, who are assigned to the room in question, claimed that the computer could not be powered on at all on July 24, 2023, despite all efforts, hence they were assigned a new computer by Noble Kekeli, the Director of IT.

All relevant files of Doreen Darko, the user of the purported faulty computer, were copied unto the new computer. However, on July 27, 2023, under the supervision of Francis Baiden, Deputy Director of IT, the same computer which could not power on, was successfully booted without any problem.

The designated name of the computer in question, as registered on the Judicial Service network is **LCC40-9CL**. Below are the key findings:

- i. Multiple evidences of unauthorized access outside the normal working hours with the same username and password of Doreen Darko, the original user, was observed together with inconsistent system logs, suggesting that the perpetrator(s) had in-depth knowledge about the use of computers.
- ii. On July 19, 2023 at 1611HRS, the user account "doreen.darko" last saved the word document titled "19-7-23", which has the same file name as the alleged tampered document. Further checks indicated that this file contained contents of "THE REPUBLIC VRS YANG HUA & ANOR", and was saved in a folder for that case. This further confirms that, as of 1611 HRS when Darko was still at her computer, the only opened file which needed to be saved was that of "THE REPUBLIC VRS YANG HUA & ANOR".
- iii. On July 19, 2023, at 1612:08 HRS, "doreen.darko" initiated the last log off. Doreen Darko, the actual user, claimed she left the office at about 1610 HRS but it probably could be

after 1612 HRS. Checks from the Court's logbook indicated that Darko signed out at 1620 HRS.

- iv. Doreen Darko claimed the computer took too long to shut down so she powered off the socket; however, forensic examination revealed that she did not power off the socket. Her initiated logoff was successful, but the computer did not shutdown, probably a running program may have interfered so the computer rather locked the screen.
- v. On July 19, 2023 at 1615:29 HRS, the account named "Administrator" for the local domain name jsg.gov.gh, accessed the computer under investigation from a computer named DC2 with IP: 10.90.1.4 which was later identified as a domain controller on the same network. This access was not through a remote desktop connection.
- vi. At 1622:37 HRS on the same day, an attempt to unlock the computer under investigation with "doreen.darko" as the username failed, leaving the log: "bad username or bad password", while a later attempt at 1622:48 HRS was successful. The logon type indicated the presence of an individual at the keyboard of the computer being examined.
- vii. Power off/on logs have been partly removed but the computer had some system processes running at 1629 HRS, suggesting that the computer was powered on until about 1629 HRS. It is suspected that the computer was abruptly shut down on July 19, 2023 at about 1629 HRS by pulling the power cord out, based on the account of Albert Adanse, the IT staff member who troubleshooted the same computer on the morning of July 20, 2023. It was further observed that Microsoft Word was running as at 1628 HRS on July 19, 2023, but the document worked on could not be verified.
- viii. Due to deleted logs, the first power up time recorded on July 20, 2023 was 1430:26 HRS. However, system uptime analysis revealed that the computer was powered on around 0846 HRS in the morning. Sandra Acheampong, a colleague of Doreen Darko, and Albert Adanse, who assisted with powering on the computer, both confirmed the computer was powered on at about 0845 HRS. Albert stated categorically that the power cord had been pulled out so he only pushed it back to power on the computer.
- ix. Doreen Darko confirmed that she typed the "by court" portion of the proceedings between the Republic vs James Gyakyie Quayson, titled "19-7-23", which is the document in

question, in the afternoon of July 20, 2023, after returning from seeking medical care. It was after typing this latter part that she printed a copy for one Selasi, a lawyer from the Attorney-General's Office, who informed her (Darko) on July 21, 2023, that the content of the document was the same as that of July 18, 2023.

- x. On July 20, 2023, Doreen Darko claimed she left the office at about 1600 HRS. However, her username and password were used to login to the computer to print the file in question. Metadata of the word document showed that it was last modified on July 20, 2023 at about 1729 HRS, and last printed on the same date at 1728 HRS.
- xi. System logs also revealed that the computer under investigation was still powered on as at 1744 HRS on July 20, 2023
- xii. On July 21, 2023, at about 1042 HRS, the computer logged that there was an unexpected shutdown the previous day at 1721:47 HRS; further suggesting that if the computer was powered on until 1744HRS on July 20, 2023, then an unidentified person was present at the location of the computer.
- xiii. On July 21, 2023, at 1606 HRS, the computer was booted afresh for the last time of the day and was used until 1628 HRS.
- xiv. The last record of USB thumb drive insertion on the computer was on July 21, 2023 at 1623 HRS
- xv. Since the logs appeared to have been tampered with, the computer showed that it was not powered on after July 20, 2023 until a week later— July 27, 2023. Meanwhile many system logs confirm this is false. It was claimed that the computer which is under investigation was active on July 27, 2023. Some IT staff members, including Francis Baiden, the Deputy-Director of IT, browsed through the files of the user, "doreen.darko", from another user account named "justice" which has administrative rights but had no password.
- xvi. A search for the logon attempts of this account named "justice" revealed that it was used to log into the said computer on July 21, 2023, as a system process was running with that account at 1609:32 HRS. A snapshot of the tampered file's directory was also found in the document folder of this account. Based on this, the account named "justice" is

- suspected to be the account used to clear some selected system logs whereas the account named "doreen.darko" was used to modify the document.
- xvii. Checks from the recycle bin of the computer did not reveal any deleted document related to the particular file in question; while a deep file system search did not indicate any deleted file, thus, it can be confirmed that the "19-7-23" document in question was not deleted, but rather modified and saved as the same file.
 - xviii. The document was not created with an online version of Microsoft word, such as Office 365 or saved to OneDrive, hence no previous versions of the file could be retrieved.
 - xix. Several documents have been recovered from the word backup directory which Microsoft Word would normally use to retrieve unsaved version of documents, but all have different contents and the most similar to the document in question also have the same questions and answers.

Prime Suspects

Suspect 1 — Adwoa Boatemaah Prempeh

The security personnel who locked the Court on the fateful day, July 19, 2023, identified Adwoa as the only person they met at the Court room. Even though the personnel could not provide the exact time they locked up the building, they assumed it was about 1630 HRS.

Adwoa did not deny the fact that the security personnel met her, and explained that it was possible they met her alone, since she is usually the last person to leave.

According to the account of Justice Yanzuh, she might have left her chamber around 1620 HRS on the said date.

It is believed that the police officer would have been in the Court room if Justice Yanzuh was still in her chamber. Considering the record of the login into the computer at 1622:48 HRS, and the possible shut down time at 1629 HRS on July 19, 2023, Adwoa, who admitted that she was in the Court room, would have been aware if anyone else walked into the same room to operate the computer.

Furthermore, the account of Sandra, the Co-Recorder of Doreen Darko who was the first to attempt to power on the computer the following morning (July 20, 2023), indicated that powering the computer on was unsuccessful, so she called Albert Adanse for support.

According to Adanse, he realized that the computer lights could not come on so he checked the cable connection at the back and detected that the power cord had been pulled out. He then fitted it in the electrical socket and booted the computer successfully.

Claims suggesting that the power cord could have been pulled out of the back of the computer by cleaners may be incorrect after it was established that the cleaners worked at dawn and not in the evening.

In addition, the computer would have been powered on until dawn, hence some of the system logs would have indicated that the computer was still on until midnight or dawn but there were no such records logged.

Therefore, considering the timestamps of the last activities of the computer on July 19, 2023, and the accounts of the relevant parties, it is suspected that the content of the proceedings of July 19, 2023 in the case of "The Republic vs James Gyakye Quayson" was altered with that of the previous day in the evening of July 19, 2023, between 1622 HRS and 1629 HRS. In view of this, Adwoa Boatemaah Prempeh is suspected of tampering with the document.

Suspect 2 — Francis Baiden

The team gathered that an image of the directory where the proceedings of "The Republic vs James Gyakye Quayson" was saved, had been stored in the document folder of the other user account named "justice" on the same computer.

This image was captured with the snipping tool in windows operating system and had a visible mark on it indicating the file in question.

The metadata of the image showed that it was taken on July 21, 2023, at 1615 HRS while the metadata of the tampered document showed that it was last printed on July 20, 2023 at 1728 HRS, which raises suspicion as the Court had closed at that time.

The investigations team suspected that the perpetrator(s) printed the document at that time, perhaps to show a copy of the modified document to someone else, thus, it was prudent to check if any of the suspects knew about this snapshot that was not taken with Darko's account. Among all the suspects at the time, only Seth Nkrumah Banagod, a Maintenance and Support Staff Member was informed about this identified image.

On the following day when all the IT staff members who were under investigation were reporting for further interrogation, Francis Baiden came with some printed screenshots from his MAC Book and a USB thumb drive as exhibits.

When questioned about what exhibits they were, he admitted that he learned from Bahagod about an image identified on the computer and that he (Baiden) took that snapshot on July 27, 2023 when he and the team (Albert and Pascal) were trying to verify whether all other documents were intact except one.

Francis Baiden further claimed that he realized the date and time on the computer under investigation were not correct after taking the snapshot as it was late morning on July 27, 2023, but the date on the computer's taskbar was July 21, 2023, whereas the time was also not correct.

The exhibits he brought were therefore to help crosscheck the time he copied the snapshot unto his MAC Book and the metadata of the image, to validate that the snapshot found on the computer was taken on July 27, when he and his subordinates accessed the computer but not July 21.

A cursory look at the printed images presented by Baiden revealed that he had copied other files from the computer under investigation as well but the timestamps showing when those files were transferred to his MAC Book were inconsistent with his assertions, so there was the need to further examine his exhibits. It was later confirmed through further interrogation of Baiden, Albert, Pascal and Banagod concurrently that, the computer was booted once in the late morning on July 27, 2023, and was never restarted until it was shut down in the afternoon of the same day after crosschecking whether every other file was intact.

Upon comparison of the numerous system log timestamps, the last USB drive activity on the computer and the created date and timestamps from the printed images submitted by Baiden, it was concluded that Baiden had accessed the said computer between 1606 HRS and 1628 HRS on July 21, 2023, which contradicts his claim that he only accessed the computer on July 27, 2023. Therefore, Baiden is suspected of clearing of specific system logs.

Conclusion

On the grounds of the digital forensic findings and other relevant information obtained through interviews and interrogations, it is resolved that Adwoa Boatemaah Prempeh was still present in the Court room and might have done the modification herself or colluded with another person to do it.

Doreen Darko had on two occasions shared her password with Adwoa Boatemaah Prempeh and Mavis Amoatey Teby (both Clerks at the court) and authorized them to assist with some tasks in her absence, hence, it is highly possible that Adwoa may have saved or memorized Darko's password.

Francis Baiden's own exhibits revealed that he had copied files from the computer to his MAC Book on July 21, 2023, at 1624 HRS, which correlates with the last USB drive activity recorded on the computer on the same date at 1623 HRS.

This makes Baiden the most likely accomplice in this case because even though some operating systems track file timestamps differently, there were clear evidences based on event log analysis and interrogations, that Baiden had accessed the computer on July 21, 2023.

Baiden claimed that the two documents in question and the snapshot from the computer were copied at the same time on July 27, 2023 unto his MAC Book using a USB thumb drive. However, from the printed exhibits he presented, it could be seen that the word documents were created on his MAC Book on July 21, 2023 at 1624 HRS whereas the snapshot was created on his MAC Book on July 27, 2023 at 1150 HRS.

Based on the timestamp analysis, it is suspected that Baiden had copied all the files at the same time from the source computer on July 21, 2023, and transferred same unto his MAC except the snapshot which was transferred later.

Appendix

Kindly see attached document detailing the modifications of the proceedings.

JUDICIAL

REPORT OF THE DISCIPLINARY COMMITTEE CONSTITUTED TO INVESTIGATE THE CONDUCT OF MR. FRANCIS BAIDEN (DEPUTY DIRECTOR OF ICT) AND MS. ADWOA BOATEMAA PREMPEH (FORMER COURT CLERK, CRIMINAL COURT '3')

1.0 INTRODUCTION

By a letter with reference number C/18/30/23, dated 27th October 2023, Management set up a six-member Disciplinary Committee to investigate the conduct of Mr. Francis Baiden, Deputy Director of ICT.

The constitution of the Committee was necessitated following an investigative report submitted by the National Signals Bureau (NSB) into an alleged tampering of documents covering proceedings of 19th July 2023 at the High Court, Criminal Division '3' in Accra in the case "The Republic vrs. James Gyakyé Quayson".

The Investigative Report by the National Signals Bureau (NSB) revealed the following:

- i. *That the computer was accessed outside working hours on 19th July 2023 without authorization, suggesting that the document was deliberately modified on the same day after the Court closed.*
- ii. *That the system logs of the computer had been tampered with, suggesting an attempt to conceal the unauthorized access.*
- iii. *That upon consideration of the system log, timestamps, and relevant information extracted through interviews and interrogations, Mr. Francis Baiden, Deputy Director, ICT was identified as one of the prime suspects.*
- iv. *That Mr. Baiden was queried and his response to the query corroborate the suspicion raised by unnecessary entry into the computer's systems around the time the Court's proceedings were tampered with.*

At the preliminary meeting of the Committee held on Monday, 6th November 2023 to discuss the Terms of Reference of the Committee and the Strategies on how to deliver on its mandate, it was noted that the contents of the investigative report submitted by the National Signals Bureau into the alleged tampering of documents covering proceedings on 19th July 2023 at the High Court, Criminal Division '3' in Accra in the case "The Republic vrs. James Gyakyé Quayson" indicated that the Prime Suspects in the matter

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were Ms. Adwoa Boatemaah Prempeh (Court Clerk) and Mr. Francis Baiden (Deputy Director of ICT).

It was also noted that there was a handwritten directive made by the Honorable Lady Chief Justice on the response of Ms. Adwoa Boatemaah Prempeh on 19th October 2023 that *"the Committee dealing with Mr. Francis Baiden is to consider the issue of availability of this Clerk that was mentioned in the Report"*.

In view of the above assessments, the Committee humbly requested that the mandate to investigate the conduct of Mr. Francis Baiden, Deputy Director of ICT be reviewed to include the investigation of the conduct of Ms. Adwoa Boatemaah Prempeh, Court Clerk, which approval was granted per a letter dated 23rd November 2023 signed by the Acting Judicial Secretary.

2.0 MEMBERSHIP

Membership of the Committee was constituted as follows:

- | | | |
|--|---|-----------------|
| 1. His Lordship Justice Dr. Ernest Owusu-Dapaa | - | Chairperson |
| 2. Professor Kwasi Opoku-Amankwa | - | Member |
| 3. Ms. Elizabeth Ohene | - | Member |
| 4. Ms. Mandy Dzifa Kwanyume | - | Member |
| 5. Mr. Gerald Awadzi | - | Co-opted Member |
| 6. Ms. Angela Amissah Mensah | - | Secretary |

2.1 TERMS OF REFERENCE

The terms of reference of the Disciplinary Committee was to investigate the matter and submit a report to Management.

3.0 CHALLENGES

As indicated in the letter referenced C/18/30/23 dated 27th October 2023, the Committee was expected to submit its report to Management within two weeks from its first sitting. However, the Committee was faced with challenges, which caused delays in completing its mandate. Though the Committee made formal requests to the Judicial Secretary in order to resolve the challenges identified, the time period in receiving the feedbacks

regarding these requests adversely affected the Committee. (*Attached under Appendix '3' – Other Committee Relevant Documents*)

Below were some of the challenges faced.

- i. The Investigative Report and the contact details of the Investigator who conducted the investigation, which necessitated the constitution of the Committee, were not attached to the letter constituting the Committee to conduct investigations hence; the Committee was unable to begin on time.
- ii. Ms. Adwoa Boatemaa Prempeh was not joined as the 2nd prime suspect for the Committee's investigations as directed by the Honourable Lady Chief Justice. The Committee had to request to review its mandate to include the investigation into the conduct of the second prime suspect, Ms. Adwoa Boatemaa Prempeh as per the Investigative Report and the directives of the Honourable Lady Chief Justice.
- iii. An Expert in ICT related issues was needed to serve on the Committee as a Co-opted member. The assignment was done on 7th December 2023 hence the delay in inviting an expert to provide IT technical expertise.
- iv. The Committee took evidence from twelve (12) witnesses and the two (2) prime suspects to gather all relevant information in conducting detailed investigations into the matter. This also contributed to the delay.
- v. After the Committee has conducted its hearing, the Counsel of the Prime Suspects requested for the record of proceedings of the Committee to enable them submit written addresses, if any. However, after the wait period, no written addresses were submitted to the Committee for consideration.

Consequently, the Committee went ahead to deliberate on the evidences presented to conclude its investigations and submit its report.

4.0 METHODOLOGY

A preliminary meeting was held to determine the modalities for the investigations into the matter. The Committee conducted hearings at the Court of Appeal, Civil Division in the Supreme Court Building.

Both prime suspects invited to appear before the Committee were informed of their rights to legal representation.

All witnesses were invited to appear before the Committee via their respective invitation letters to assist in the investigations.

All persons who appeared before the Committee were sworn in by Ms. Angela Amissah-Mensah, the Secretary to the Committee during the proceedings.

Members of the Committee also asked varied questions to ascertain the veracity or otherwise of the findings contained in the investigative report perused by the Committee.

The investigative report submitted by the National Signals Bureau into an alleged tampering of documents covering proceedings of 19th July 2023 at the High Court, Criminal Division '3' in Accra in the case "The Republic vrs. James Gyakyere Quayson" was used to assist the Committee in its work.

The Committee also perused all documents tendered in as Exhibits.

The Committee invited the following persons to assist with its investigations.

- i. Mrs. Patricia Naa Afarley Dadson (The Court Manager, Law Court Complex, Accra)
- ii. Mr. Gordon Amoah Owusu (Ag. Deputy Registrar, Criminal Division, Law Court Complex, Accra)
- iii. Mr. Daniel Ofori Asare (The Head of Cyber Operations, National Signals Bureau, Accra)
- iv. Ms. Sandra Acheampong (Court Recorder, High Court, Criminal Court '3', Law Court Complex, Accra)
- v. Ms. Doreen Mensah Karikari (Court Recorder, Land Court '3', formerly at High Court, Criminal Court '3', Law Court Complex, Accra)

- vi. Mr. Seth Nkrumah Banagod (IT Officer, Support and Maintenance Team, Law Court Complex, Accra)
- vii. Mr. Noble Kekeli Nutifafa (The Director of ICT, Judicial Service, Accra)
- viii. Mr. Albert Adanse (IT Officer, Law Court Complex, Accra)
- ix. Mr. Pascal Naa Zury (IT Officer, Law Court Complex, Accra)
- x. Mr. Stephen Amoah (IT Officer, Network Operations Center, Law Court Complex, Accra)
- xi. Mr. Francis Baiden (The Deputy Director of ICT, Judicial Service, Accra), First Prime Suspect
- xii. Ms. Adwoa Boatemaa Prempeh (Process Clerk, Land Registry, formerly at High Court, Criminal Court '3', Law Court Complex, Accra), Second Prime Suspect

The Committee also took evidence from the following persons who were invited by the second prime suspect, Ms. Adwoa Boatemaa Prempeh as her witnesses.

- i. Ms. Stella Sowah (Court Clerk, Land Court '1', formerly at High Court, Criminal Court '3', Law Court Complex, Accra)
- ii. Ms. Mavis Terby Amoatey (Court Clerk, High Court, Criminal Court '3', Law Court Complex, Accra)

4.1 Legal Representation

- Lawyer Andrew Kharley with his Learned friend Elikem Adisenu-Doe represented Mr. Francis Baiden, Deputy Director of ICT (First Prime Suspect)
- Lawyer George Asamaney, the Lead Counsel with his Learned Friends; Stephen Obeng-Darko, Nii Akpor Botchway, Richard Baffour Asare and Godwin Addo represented Ms. Adwoa Boatemaa Prempeh, Court Clerk (Second Prime Suspect)

The entire proceedings were voice recorded and subsequently transcribed. (*The proceedings is hereby marked as Appendix 1*)

The Exhibits tendered in evidence is hereby marked as '*Appendix 2*'

Other Committee related documents are hereby marked as '*Appendix 3*'

JUDICIAL SERVICE / JUDICIAL OFFICE / SERVICE

The uncertified true copy of proceedings of 18th July 2023 was admitted and marked as Exhibit 'B' and the uncertified true copy of proceedings of 19th July 2023 was admitted and marked as Exhibit 'C'. The Committee noted that the use of the phrase 'uncertified true copy of 19th July 2023 proceedings' is not in the usual sense but just to indicate that the Registrar had put his stamp on it to give it an official status.

He also told the Committee that he visited the Courtrooms every morning to find out if there were any issues they were encountering on their machines that needed his attention and necessary action. He said it was on one of those rounds that the Judge informed him about the matter and that the proceedings for a specific day could not be traced. He also said that during his interaction with the Judge, he stated the Judge saying that 'this Gyakyé Quayson Case, the 19th proceedings, there is an issue with it and something might have been done on that day's proceedings'.

He informed the Committee that the case was still ongoing and that there had not been any complaint made by the Lawyers for the accused person or the prosecution regarding the case. He believed this incident was an internal problem because Mr. Tsikata and Quagrang had been to his office on several occasions requesting for proceedings in respect of this matter but this particular date of proceedings, they had never made mention of wanting its proceedings.

He also told the Committee that to the best of his knowledge, the Court did not have an audio recording of the typed version of the proceedings. He explained the chain of command at the courtrooms. He said the Clerks represent the Registrars at the various Courtrooms. So if there was an issue, the Clerk would take it up and report to the Registrar. Then the Registrar, if it has to go through the Judge, he or she would have to relay the message to the Judge, then to the Court Manager.

He however added that unfortunately in this particular case, the protocol did not go through this chain and that he only got to know of this issue when he went to the courtroom.

Upon the request made by the Committee to submit the certified true copies of the proceedings, he presented the Committee with the certified true copy of the proceedings of 18th July 2023 and 19th July 2023 which were admitted and marked as Exhibit 'B1' and Exhibit 'C1' respectively. The Committee noted that the use of the phrase 'certified true

copy of 19th July 2023 proceedings' is not in the usual sense but just to indicate that the Registrar had put his stamp on it to give it an official status.

When asked if the tampered with, was in respect of a word or a whole portion taken out, he answered as follows; "With all due respect, I may not be in the position to say this because she is the presiding Judge. She was trying to inform me about the incident so she just made mention that, Chief and I quote 'this Gyakye Quayson Case, the 19th proceedings, there is an issue with it and something might have been done on that day's proceeding".

He informed the Committee that it was Ms. Doreen Karikari who typed the proceedings of 18th and 19th July 2023 in the case 'The Republic vrs. James Gyakye Quayson'.

Under cross-examination, he told the Committee that before the case will start, the Recorders would copy the heading of the previous proceedings of the case and use it like a template but do not cut and paste.

He further told the Committee that the evidence that there had been some tampering could be seen if one takes a close look at the two documents, Exhibits 'B1' and 'C1'. He said the Judge told him that the Lawyers on 18th July 2023 were the exact representation on that day, likewise 19th July 2023. However, when you get to the conclusion part of it, the same representations but the questions and answers of the 19th are the same as the 18th, which was not the true reflection of the 19th day's proceedings.

He further told the Committee that there were differences in the two (2) proceedings, especially if one paid attention to the 'By Court'. He added that with Exhibit 'B1', they were only talking about the adjourned date but with Exhibit 'C1', you would realize that it was more detailed. Nevertheless, whether that was the true reflection of what it was, he could not tell but one could see that the reason for adjournment was also stated.

Upon the request made by the Committee to submit the certified true copies of the proceedings of 14th July 2023 and 26th July 2023 in the case 'The Republic vs. James Gyakye Quayson', the documents were tendered in evidence and marked as Exhibit 'E' and Exhibit 'F' respectively.

5.3 EVIDENCE OF THIRD WITNESS (MR. DANIEL OFOSU ASARE)

Mr. Daniel Ofosu Asare said he was the Head of Cyber Operations at the National Signals Bureau. When asked by the Committee if he knew why he was here, he stated that it was in connection to the investigation his institution did which he was the investigator. He was asked if after the investigations, he came up with a report, which he answered in the affirmative.

He was asked to identify a copy of an Investigative Report dated September 2023 submitted by the National Signals Bureau to the Service and he confirmed that was the Investigative Report he prepared. The investigative report was admitted and marked as Exhibit 'D'. He said he was the leader of the team that conducted the forensic investigation and to further interrogate all the aspects to come up with findings of what actually transpired concerning the tampering of the documents.

He told the Committee that per the petition received from the Honourable Lady Chief Justice, a Court document had been tampered with. The proceedings of 18th July 2023 had been overwritten or had similar portions as that of 19th July 2023 which was suspicious and so they were asked to find out if it was a genuine mistake or it was a deliberate attempt to do that act. Their job or task at that time was to crosscheck whether the document was deleted accidentally or it was a genuine mistake during the typing. As investigators, they also decided to find out if the Computer that was used to perpetrate the act was accessed outside working hours of the Court. That was their main investigation.

When the Committee asked exactly what the nature of the supposed tampering was, he responded that when they identified the two documents, that is the proceedings of the July 18th and that of 19th, they decided to review the two (2) to see modifications on both documents.

They realized that, the date and time on 19th July 2023 document was edited in the morning. The counsel portion was also edited and they saw attempts to format the document i.e. to change the font and make it appropriate as how they preferred it. Then there was another typing at the latter part of the document 'By Court'.

According to him, when they identified these, they tried to find out from the Recorder how they operate. The understanding he got was that, normally if it was the continuation of the same case, the Recorders would open the previous day's proceedings, then change

the date, time and Counsel. If it was the same party, they will leave it but if it was not then, the Recorders would modify it and then clear the whole content on the page so that they can start typing the new document.

He said based on this narrative, they realized that after these changes were done, nothing was typed on the document. So then, they raised a question, if someone were not typing, who would have known that the person did not type. Probably after the modification, the person forgot to type and they were listening to the case.

He said they were told that there were screens in the Courtroom, which the Judge and the Lawyers could see the questions that were being asked and to be sure it is being typed. If that was the case, then Doreen Darko would have been prompted that she was not typing. This clarified that she actually typed the document.

He said they went ahead to look at other documents that were opened on the same day. They found a similar document with the same name as 19th proceedings for 'The Republic vs. James Gyakye Quayson' but then these documents contained contents from a different case 'The Republic vs. Yang Hua'.

So he and his team checked the Microsoft Word operations of that day and they realized that as at the time around 4:10 pm or 4:11 pm when Court had closed, Doreen Darko attempted to shut down the computer and that was the only document that had not been saved, 'The Republic vs. Yang Hua'.

They further interrogated the Recorder, Doreen Darko about how she saved this particular document in question. He said that she told them during the day, the computer rebooted several times, so there were times she could not even type some of the things and had to wait for the computer to restart. He said she stated that it was at the latter part of the document, which is the 'By Court'; she actually could not type because she had to wait for the Judge to write before she would go for the record book and type it.

He added that, it was in the afternoon of 20th July 2023, when Doreen Darko returned from seeking medical care and opened the document of 'The Republic vs. James Gyakye Quayson' and then typed the 'By Court' but she did not read through the contents because she had typed it and saved. So unbeknown to her, the changes of the document was something she actually did not know about.

According to him, on 20th July 2023, after Doreen Darko typed the 'By Court', she proceeded to print a copy of the document for one Selassie, a Lawyer from the Attorney-General's Office. It was this Lawyer who took the paper away and on 21st of July 2023 called Doreen to inform her that, the document she printed for her was that of 18th but she actually needed 19th. Doreen checked again and realized that the questions and answers portion were the same as that of the 18th July 2023 which was quite a surprise to her. Doreen printed a copy and took it to the Judge, Justice Mary Yared to show it to her. The Recorder stated that the computer would reboot by itself several times. Per the forensic analysis done, it confirmed that the computer had rebooted about twelve (12) times during the day but between the hours when this particular case's proceedings was going on, the computer did not reboot.

He told the Committee that when a computer reboots it logs when it actually started rebooting. So within this period when this case was in session, the computer did not reboot. He stated that the only reason why Doreen Darko could not complete this particular document on that day and had to retype part on 20th July 2023 was because she had to wait for the Judge to release something to her and not because the computer was rebooting.

When asked if he was able to ascertain whether a User did the computer rebooting or it was a power failure, he answered that most of the errors were related to system processes getting locked up. It was not initiated. None of those boots were User initiated reboots which they had records to confirm. However, there were times a 'blue screen of death' that is how they called it, happen as the computer is running due to processes being locked up. He said in that situation, the computer would just shut down by itself and then restart.

He told the Committee that there were logs for that and there were logs for User initiated actions where the User actually powered off or attempted to power on the computer. He further stated that they were unable to determine what caused the process overload because the computer was shut down when they took it away and did not do live analysis.

He told the Committee that they checked the Properties of the Word Document of the 19th July 2023 proceedings but realized that the same Recorder did all the modification of the document. According to him, that was what even prompted the assessment of whether the computer was accessed outside working hours.

He mentioned that on 19th July 2023, the Court proceedings ended around 4:10 pm and according to the account of the Judge, she went into her chambers and spent about ten (10) minutes before leaving. She was not sure of the exact time but the understanding they got was that at that particular Court, there was a norm for the last Staff member to wait until the Judge is gone so that the last person locks the chamber. The Judge said that while she was in her chamber, she called out the names of one of the Recorders and then one Adwoa Boatemaa-Prempeh who was the person waiting to lock up, responded that they had all left.

When they checked the attendance log of the Court, Doreen Darko who was supposed to be the Recorder for that day signed out at the place at 4:20 pm. She claimed that she normally left before 4:00 pm or exactly at 4:00 pm to go and pick up her kids. On that day when proceedings exceeded 4:00 pm, they were all worried and had already started packing and in a hurry to go but they had to wait for the last proceedings. As soon as proceedings ended, they went away leaving Adwoa Boatemaa Prempeh as the only person in the Courtroom.

When they assessed the computer, they realized that from Doreen's account the computer was taking time to shut down when she attempted to shut down. She then powered off the socket and went away. But then from the forensics, they ascertained that the socket was never powered off hence she just left the computer like that and went away.

According to him, normally when one initiates a log off on a computer and it was not successful, it would normally lock the log on screen so you would have to enter the password again. So the log screen was locked. He added that at about 4:22 pm, someone attempted to input Doreen's username and password by which time Doreen had logged out because she signed out at the log station at 4:20 pm hence she could not have been inside the courtroom to do it. Thus, somebody typed in the username of Doreen on to the computer. He stated that the first attempt failed and the person tried the second time and within some few seconds, it was successful. When asked if he confirmed the sign off was done manually or electronically, he responded that she signed off manually because in Doreen's case, though the IT persons failed to provide them with electronic logs, she actually signed off in the book at 4:20 pm. He added that he was convinced it was someone else who logged in at 4:22 pm because of the distance from where she signed out and the Courtroom. Also, because some of the logs had been removed i.e. the power on and power off had been removed, they traced the last process which was recorded at 4:29 pm on the same day 19th July 2023. He told the Committee that when they

crosschecked from the morning's operations when the computer was powered on 20th July 2023 and they noticed from the logs checked that the computer came on around 2:30 pm. Meanwhile there were many system processes that indicated that around 9:00 am or 8:40 am or there about the computer was on and working. So they spoke to Sandra Acheampong who told them that when she came and pressed on the power button, the machine did not come on so she called IT for support and that was when Albert Adanse came to assist. They also interrogated Albert and he admitted that when he went to the computer, he realized that the on and off power light was not coming on. Albert checked the socket on the wall and it was fixed well but he realized that the power socket had been pulled out so he just pushed it back in and the computer was able to power on. It was then that the IT team gave them suggestions that maybe when the Cleaners came to clean their sweeping brushes probably pulled out the power socket. So they went back to the system to ascertain when the Cleaners came to work and they were told that the Cleaners come at dawn. So they checked if the computer was on until dawn but they realized that the last time the computer was on was on 19th July 2023 which was around 4:29 pm so it could not have been the Cleaner who cleaned the following morning.

When asked if the Computer could be remotely accessed, he answered yes, it was possible but there were no logs of such indication as the log on time indicated that the person who entered the username and password was present at the keyboard.

He further told the Committee that around 5:28 pm on 20th July 2023, the document in question was printed by somebody and they also ascertained that by that time, Doreen had left the Court Complex and she was nowhere near that place. So then, their assumption was that, whoever logged in on 19th July 2023, also came back on 20th July 2023 to print out the document using the same credentials and probably it was printed to be shown to someone else for whatever reason it was printed, they could not tell.

When asked if the document printed out for Selassie from the Attorney-General's office was printed out on 20th July 2023 before 5:28 pm, he responded yes because by that time, Doreen had already left but because it was the same document, they could not tell when the first printing had been done. However, they were informed that, the Court closed in the afternoon on that day. He indicated that it was on 21st July 2023 when Selassie complained to Doreen, that the document she gave her was not what she requested. That was when they realize there was a problem with the document.

He further added that all the Court printouts were supposed to be done through a print server but in this case, they were having network challenges previously not on that day

and because of that, the Judge had given out her printer to the Recorders to be stationed on their desk. So this printer was what was used for the particular printing and the Judge requested that it should be brought back to her chamber after this incident.

When asked if he had records of when the Judge left, he stated that the Judge claimed she might have spent only about ten (10) minutes in her chambers before leaving because she was already tired for the day. Also, around 4:22 pm, if the Judge was still in her chamber, then the Police Escort would have been in the Courtroom and so both Adwoa and the Police-Escort would have known if someone came to that computer.

When asked who exactly was supposed to make sure that when the Judge left she closed the place, he told the Committee that from the interrogations, they realized that it was a norm that the last Staff who joined the Court would wait until the Judge left. Adwoa Boatemaa Prempeh was the one who was supposed to wait. From the Judge's account, while she was still in her chamber and called for one of the Recorders, Adwoa responded that they had all left. So that confirmed that at that time, Adwoa was the only person left. They were informed that every floor had been assigned with two (2) Security Personnel at every point in time. The Security Guards were two (2) and they were going to lock the place. Within that week, two (2) Security Personnel, one male and female were assigned to the floor and both of them confirmed that on 19th July 2023, they could not tell the exact time but it was after 4:30 pm or thereabout when they went to lock the Criminal Court and when they got there, Adwoa Boatemaa Prempeh was there. So they had to ask her out and lock the place.

On 19th and 20th July 2023, the argument was that, because Adwoa was the person who always remained there, it was possible that they met her. Adwoa never admitted that they met her but both the Security Personnel confirmed that they met her and that was not the first time; because it was a usual practice that they would meet her there and ask her out whenever they were going to lock the place.

The Committee inquired if there were CCTV cameras anywhere. That is in either the Courtroom or the corridors. He said that interestingly, there was a CCTV facing directly in front of the Court entrance, which could have given them the best evidence, but it was not working. Hence there was no CCTV on that floor that were working at the time. However, their assumption was that whoever did it knew the process and knew that these cameras were not working. But for this particular investigation, their assumption

was that Adwoa would have known who came in there or she did it herself. They added that from their investigations, the tampering of the system logs, were not done by Adwoa but someone else. According to him, when they interrogated Adwoa for the first time unofficially through personal interactions with her, she indicated that she did not even know how to use the Microsoft Word application so she could not have done a document modification. But then during subsequent interrogations, she mentioned that she had a Master's Degree. So he inquired 'why she was lying to him; which she responded that she did not know the nature of questions he was going to ask her that was why she lied.

He further told the Committee that Doreen's account was a regular account, which could not have been used to remove system logs so they wanted to find out if other accounts existed on the computer. While they were still trying to retrieve the document, they found snapshots, like a screenshot taken with the Microsoft Snipping tool. This snapshot was taken of the Directory where the file was saved. There was an indication somewhere with an ink indicating a particular file in question. So when they found the particular file which was inked, they traced it and then they found that there was another account on the computer named 'Justice'.

They checked with the IT team and they were told that the 'Justice Account' was the Local Administrator account on every computer at the Judicial Service. So they inquired who else knew the password and the IT team stated that it had no password and all the IT personnel knew that. According to him, the account 'Justice' had logged on to the computer on 21st July 2023 at 4:06 pm by which time, Doreen had closed. When they did the analysis for the power on and power off, they realized that between 20th and 27th July 2023, the system showed that it was never powered on. That meant that on 21st July 2023, the computer was not even powered on but there were indications of this 'Justice' logging on to the computer on 21st July and Doreen was also at work on 21st July 2023 and she had used the computer. He further added that was when they suspected that someone might have tried to remove system logs. They checked the image they found, with their forensic system and they realized that, it was taken around 4:15 pm on 21st July 2023 and the person logged in around 4:06 pm. Around 3:59 pm thereabout, Doreen logged out or signed out so whoever signed in again with 'Justice' did it after Doreen had left.

He told the Committee that he had discussed the image they found with one Banagod Nkrumah, who was also an IT Support Staff under investigation but they did not mention it to any other person in the team. According to him, the following day, when the team

were reporting for further interrogations, Mr. Baiden came with some snapshots he had printed and a USB Drive. When he was queried about it, he told the team that he learnt from Banagod that they found some image but he took that snapshot on the 27th July 2023 when he and his team were trying to crosscheck to find out if every other document was intact except that particular one. He said according to Mr. Baiden, the system time and date on the computer were wrong that was why it was showed 21st not 27th. They took a closer look at the snapshot and noticed that there were other documents they had also seen on the computer which were also found on the computer he snapped and brought.

While there was back and forth, the arguments and the system logs showed that it was highly possible that on 21st July 2023, somebody accessed that computer because there were lots of logs of operations on the computer on the 21st July 2023 from morning till around 4:00 pm. He added that, from the analysis done, the team performed 'Track Changes' on both documents. They noted that the changes that were done to the document were the change in date from 18th to 19th, the change of the Counsel who were present, the change of the time when the case recording started and then you see formatting of the documents and then you see that nothing was typed again, until the 'By Court' was typed. So they assumed that whoever did the modification, opened the 18th July 2023 document again and saved it as the 19th July because whoever did it knows how the Recorders operate and so the 19th July document was not deleted but overwritten. Then the new 19th July document replaces the old one which she had actually typed.

He further told the Committee that per their investigations, when Mr. Baiden brought the exhibits, he admitted that he took the snapshots but then the time and date were different. From the interrogations, all of them admitted that they never rebooted the computer on 27th July 2023. According to him, if the machine was never rebooted, then the system time that was changed could not have been effected on the logs of the second operation on the computer on the 21st July 2023 which began round 4:06 pm to 4:28 pm because this snapshot was taken at 4:15 pm and the pen drive that was used to copy the files was inserted around 4:23 pm. Since Mr. Baiden admitted that he took the snapshot, then the snapshot was taken on the 21st and not 27th.

Under cross-examination, he told the Committee that Mr. Baiden became a suspect because he had files his computer at a time earlier than when he said he accessed the computer.

5.4 EVIDENCE OF FOURTH WITNESS (MS. SANDRA ACHEAMPONG)

Ms. Sandra Acheampong told the Committee that she was a Court Registrar at the Law Court Complex, Criminal Court '3'. She said she has been with the Judicial Service since 2010.

She said on 19th July 2023, they had an issue with the proceedings because the machine kept restarting and they were not able to retrieve the proceedings on that day. She said on that day, they were able to type the proceedings very well. They had issues with the machine and it was not that day only. They had issues on previous days whereby sometimes when they were typing the proceedings, the machine would just go off by itself and it will restart. She said they called on the IT Department to come and help them. On 19th July 2023 after they closed for the day, the machine went off before they even closed on that day around 2:30 pm. The machine did not come up again but before 2:30 pm, it was on and off. According to her, while the trial was ongoing, it got to a point that the Judge had to write in the record book because the Judge noticed from the screen that their machine was off. She was writing the proceedings but not that of the Republic vs. James Gyakyé Quayson but other subsequent cases that they did after the Gyakyé Quayson case.

According to her, they were able to save the proceedings for that day on the machine. She told the Committee that her Colleague, Doreen Mensah Karikari typed the proceedings of this case on 19th July 2023. She said on 20th July 2023, she called an IT person named Albert around 8:30 am when she got to work to help her power on the machine to enable her start the day's proceedings. She further told the Committee that after the incident, they went to the BNI office and they were interrogated. She said she recalled telling them that it was after the hearing before the court closed that the machine went off and it did not come back on. It took the assistance of an IT person to put on the machine the next day. She said it was after 19th July 2023 when they were taken to BNI that the Registrar got to know that the machine was not working. She said when she got to work, the plugs were intact but the switches on the wall were off. She told the Committee that, when they were typing the next case after the Gyakyé Quayson case, the machine restarted again and the Judge noticed it. The Judge decided to write in the record book. She also informed the Committee that, during hearings, when the Lawyers are asking questions, they type, as it is ongoing so they do not record during that time. When there are motions and

arguments going on, that is when they use the micro recorder to record so that they could type that information later when the day is over. She added that, that was the practice she came to meet there because whenever request for battery replacement of the micro recorder is made, it takes a long time to get them. They decided to conserve the battery health by only using the micro recorder for parts of the proceedings that they are unable to type when hearing is going on. She also told the Committee that there was no rule that the person who was relatively new among the staff would have to stay late and lock up after the Judge leaves. She said she used to have her own credentials when she was at Financial Court '2' but when she got to Criminal Court '3', she used using Doreen's account. She said when she types; she puts her initials in small letters below the document, which is 'sa', throughout the documents in the numbering section. She said the Judge asked them to write a report, which was forwarded to the Honourable Lady Chief Justice before the BNI started their investigations.

5.5 EVIDENCE OF FIFTH WITNESS (MS. DOREEN MENSAH KARIKARI)

Ms. Doreen Mensah Karikari said she has been working at the Judicial Service for the past fourteen (14) years. She said she was at the High Court, Criminal Court '3' but now at Land Court '3' as a Court Recorder. She told the Committee that on 19th July 2023 in the morning when she came to work, she would normally create the cases for the day. She added that they initially had a problem with the machine as it had been restarting on its own when they would be working. She further said that the machine restarted and it came back on before the James Gyakyie Quayson case was called but when that case was called, they were able to type everything because the machine did not go off. After she finished typing, she got up from behind the machine and sat beside Sandra who came to sit behind the machine to type the next case. She said when she is typing, she would click on control 'S' and it saves it so she was able to type everything and save it.

She told the Committee that on 20th July 2023, she had an appointment with her eye specialist so she told the Judge that she would be going to the eye clinic before coming to the office. She got to the office around 1:30 pm that day. She added that it was on 20th July 2023, she typed the 'By Court' but did not go through the proceedings before printing it out to the Lawyer from the Attorney-General's office. She said she printed out a draft copy of the proceedings to the Lawyer and it was the following day, 21st July that the Lawyer, Selassie Kuwornu drew her attention to the similarities between the 18th July 2023 proceedings and the 19th July 2023 proceedings. When asked when she left the court

premises on 19th July 2023, she indicated that she left at 4:20 pm. She said when she was leaving; Adwoa, Auntie Stella and Mavis were in the Courtroom. She also told the Committee that a few months prior to this incident; there was a time that she was unable to go to work because she had sought permission to be absent. She said it was on a Monday, when the Judge had requested for some proceedings that she gave the password and username to Adwoa and Mavis to assist her in sending the proceedings via email to the Judge. She added that on another occasion, she gave out the password to Adwoa and Mavis again to assist her in preparing the cause list, as she was unable to be at work that day and the cause list needed to be prepared.

5.6 EVIDENCE OF SIXTH WITNESS (MR. SETH NKURUMAH BANAGOD)

Mr. Seth Okyere Mensah Nkrumah Banagod informed the Committee that he works at the Judicial Service and he was a member of Support and Maintenance team, ICT, Law Court Complex. He said he was invited to the case on Monday, 24th July 2023 when Pascal came to him with a machine, which was not working from Criminal Court '3' but before then, anytime there was an issue in a court, it would be escalated to the Help Desk then Help Desk would call him and he will dispatch the people to go and attend to it. If they were unable to fix the problem, then he would ask them to bring it and he would work on them. So that was how the machine got to him on 24th July 2023.

He said he tried working on it but it did not come on. By then there was an issue at Land Court '2' which they also had to deal with a problem with their machine. His Director, asked him to go and pick a machine from the Lab which is on the 5th Floor called the JTI Lab 2. By that time, he had picked one to send to Land Court '2', but because he had an issue at Criminal Court '3' which was much more of a dicey case, he spoke to his Deputy Director which is Mr. Baiden that this is the situation so if he would allow him to switch, then he would give that machine to Criminal Court '3' and then later he would find a way for Land Court '2'. After approval was granted he went ahead to remove the hard drive from the machine, which was not working and added it to the new machine, which he had picked from JTI and he gave it to Pascal to go and install for them. After installing, Pascal copied the files from the old hard drive onto the new one and then he brought the old hard drive back to him. After Pascal had brought it, about 30 minutes later, Pascal came to him saying that the Court was complaining of a missing file so he gave Pascal the old hard drive to send back to the Court so they go through to check if they could find the file on it. Pascal took the hard drive to the Court but they did whatever they could and they

brought the drive back that they still could not find the file. He told the Committee that the IT Department had another section called the Network Operations Center (NOC), which is on the ground floor of the Law Court Complex. The NOC normally does hard drive recovery.

So on 26th July 2023, when he go to the office, his Deputy Director called him to inform him that the Director had ordered that, hey take the machine to his office, the Deputy Director for safekeeping. By then, the hard drive was with Stephen at 'NOC' so Pascal went for it. He boxed the machine and took it to the Deputy Director's office. On 27th July 2023, they were made to understand that they were going to have a meeting with the Honourable Lady Chief Justice.

He said it was on Monday, 24th July 2023 in the morning, that Pascal informed him that the machine from Criminal Court '3' had a booting problem. He said he had encountered such problems before and most of the time, he was able to resolve it by discharging everything; that is removing the CMOS battery, power to the board, memory among others and allow it to drain for about 24 to 48 hours.

He said when he was about to leave in the evening of the 24th July 2023, he took out the memory of the machine. On the 26th July 2023, when they were trying to do the file recovery, they were told that the Director, Mr. Nutifafa had directed that the machine is sent to the office of the Deputy Director, Mr. Baiden for safe keeping. At the time, the hard drive was at NOC so Pascal went for the hard drive and brought it to him. He fixed the memory, CMOS battery, the power on the board and then the hard drive and took it to Mr. Baiden's office. On 27th July 2023 that the machine was at the office of Mr. Baiden.

He told the Committee that 'Justice' was a username that was a Local Administrative Account and hence had administrative privileges. He said 'Justice' is used when setting up a fresh machine.

5.7 EVIDENCE OF SEVENTH WITNESS (MR. NOBLE KEKELI NUTIFABA)

Mr. Noble Kekeli Nutifafa informed the Committee that he works at the Judicial Service of Ghana as the Director of ICT. He indicated that he has been working with the Service for almost fifteen years. He told the Committee that on 26th July 2023, he received a whatsapp message from the Deputy Director in-charge of E-Justice, Mr. Francis Baiden

but he did not see it. It was Mr. Baiden's call that prompted him to go back to look at the whatsapp message. He said the content of the message indicated that the machine at Criminal Court '3' and Land Court '2' were having some problems and hence needed replacement. He said he immediately requested the release of two machines to be sent to the affected courts. He showed the Committee a printed out whatsapp page which was tendered in as Exhibit 'G'.

He also told the Committee that; Mr. Baiden informed him that the Judge had requested Albert and Pascal to write a report to her for onward submission to the Honourable Lady Chief Justice. He said he instructed Mr. Baiden to write the report to the Judge instead of his subordinates because as the Head of ICT at the Law Court Complex, his Officers report to him and he (Mr. Baiden) is expected to be the one to write such reports especially if it is to be submitted to a Judge.

He said National Security spoke to him. He was interrogated and also taken through the lie detector test. He said whatever the Staff who were invited to National Security went through, he went through the same.

Under cross-examination, he said he instructed Mr. Baiden to assist to unravel the issues behind the problem on 27th July 2023. He added that he never instructed Mr. Baiden to take custody of the computer system at Criminal Court '3'. he instructed him to carry out some specific tasks.

He told the Committee that he used to be called 'Noble Kutsienyo' but then the name was changed in 2009 to his current name 'Noble Kekeli Nutifafa'.

He was asked to confirm if the number '0244215700' was his number and if he receives whatsapp messages through it. He responded in the affirmative. This was done to ascertain if indeed the whatsapp messages between him and Mr. Baiden showed to the Committee that it transpired on 28th July 2023 in respect of a report that Mr. Baiden sent to him via his corporate email which he asked him to review it.

He however stated emphatically that he never instructed Mr. Baiden to delete time stamps or time logs. He said he only told him to ensure his report is not too technical because the consumer of his report may not appreciate the technical terms that may be used in his report.

The Whatsapp conversation between Mr. Nutifafa and Mr. Baiden with respect to the incident report sent via whatsapp was tendered in and marked as part of Exhibit 'FB2 series' which was initially tendered in by Mr. Baiden.

5.8 EVIDENCE OF EIGHTH WITNESS (MR. ALBERT ADANSE)

Mr. Albert Adanse said he works at the Law Court Complex as an IT officer. On 20th July 2023, in the morning, one of the Recorders called to inform them that she could not boot the machine so he went to assess the situation and he realized that the power cable connecting to the system unit had been pulled out. He pushed in the power cable, which powered the machine, and then it came on and he left. He said the Judge called him, his colleague Pascal and the Recorders on 26th July 2023 to try to assist in retrieving the proceedings of 19th July 2023. According to him, the Recorder said on that day, that is the 19th July 2023, the machine kept restarting and there was a blue screen that would come on whenever it restarted. He said they took screenshots of the blue screen and showed it to him because whenever they called for assistance and the IT personnel arrived, the blue screen would have gone off because the machine would be on. He said the Recorders told him that they were not too sure but then when the machine went off and came back on, it gave them options to recover all the proceedings they had worked on that day but because the Judge had moved on to a new case, they recovered that particular case thinking that when they were done, they would recover the rest and then continue. Even when they recovered the new case that had been called, they realized that parts were not there.

He said the Judge asked them to write a report so he informed Mr. Baiden about the request made by the Judge and he told them that the Director of ICT, Mr. Nutifafa had directed that he (Mr. Baiden) should put the reports together and submit it as one report from him to the Judge.

He further told the Committee that before the incident, he had been called by the Clerks some few months prior to assist in sending some proceedings to the Judge because one of the Recorders who was supposed to do it was absent and had instructed them to use the Recorders' machine to access the proceedings and send to the Judge. When he got there, they had already opened the Gmail account and attempted to send the proceedings but they were unable to send it because it was bulky and needed to be compressed into a

zip file before sending. So he assisted them by zipping the document to enable them send the file and that was all he did.

He said he got to know about the tampering when they met with the Honourable Lady Chief Justice.

Under cross-examination, he said on 27th July 2023 he had a call from Mr. Baiden that Mr. Nutifafa had called that he should do a situational report on what has happened. Mr. Baiden then asked him and Pascal to come to his office. They went and logged onto the machine. He did not know where the files were because he had not been in the courtroom but his colleague had already been there to assist them and hence knew where the files were saved. Pascal directed Mr. Baiden to where the files were saved. They opened the proceedings and they took some screenshots. He said all the screenshots were copied onto Mr. Baiden's personal laptop and he did his report. He told the Committee that on 27th July 2023, when the machine was turned on they noticed the time and date were inaccurate because the date was 21st July 2023 instead of 27th July 2023. He said he believed that was the last working date of the machine. He said Mr. Baiden instructed Pascal to change the time and date because that could affect the results.

5.9 EVIDENCE OF NINTH WITNESS (MR. PASCAL NAA ZURY)

Mr. Pascal Naa Zury informed the Committee that he is an ICT officer at the Law court complex. He said he has been working at the Judicial Service for almost three years. He told the Committee that on 24th July 2023, the Recorders at Criminal Court '3' called that the computer was not able to boot so he went to the court to try to power it on but failed after several attempts. He therefore informed his supervisor, Mr. Banagod that the computer needed to be changed because it had booting problems. He told the Committee that on 26th July 2023, he took a picture of the metadata of the file with his phone. He said on 26th July 2023, he took out the hard drive of the machine and gave it to Mr. Stephen Amoah who works at the Data Center to try to retrieve the missing proceedings. He said Mr. Banagod asked him to return the hard drive because Mr. Baiden has instructed that the machine should be sent to his office for safekeeping per the directives of the Director of ICT.

Under cross-examination, he told the Committee that the Judge asked him to write a report. This was on 26th July 2023. He said when he was on his way to submit the report to the Judge, Mr. Baiden called to inform him and his colleague Albert that the Director

of ICT, Mr. Nutifafa had asked him to put the two reports together and as the Head, he should submit the report to the Judge. He said on 27th July 2023, Mr. Baiden told him the Director of ICT had instructed that they go into the system to assess where the problem was coming from. He said Mr. Baiden asked him to bring the monitor and keyboard so that they could enter the system, analyze it and submit a report to the Judge. He said that when they put on the machine, the date that was on the machine showed 21st July 2023 instead of 27th July 2023 and the time on it was also wrong. He said they did not notice it immediately when they switched on the machine. He said it was after taking some screenshots and after doing some analysis that Mr. Baiden drew their attention to the wrong date and asked him to change the date and later the time. Mr. Baiden then copied the files from the system onto his laptop because when he (Pascal) went to the courtroom; Sandra told him that once they could not find the file, he should check the recycle bin as it might have been accidentally deleted. He said he took the hard drive and enslaved it onto their system and went to the recycle bin. He said the contents of the files they found in the recycle bin and the original one were the same.

5.10 EVIDENCE OF TENTH WITNESS (MR. STEPHEN AMOAH)

Mr. Stephen Amoah told the Committee that he works at the Law Court Complex with the ICT Department, specifically NOC (Network Operations Center).

He said he was not sure of the day this happened but then it was either a Monday or Tuesday that is 24th or 25th July 2023, he was in the office when Doreen and Jane came to his unit. They complained about a missing file. He asked them what the name of the file was.

According to him, Jane who was the friend of Doreen passed a comment that 'so if IT does not find the file then IT too would be in trouble'. He said it was at that point he asked them to excuse him because he had to call the Data Center Manager, Mr. Essien who is his boss to inform him about it.

He said his boss told him to go and look at what the problem was. He told the Committee that he went to the courtroom and after he had asked for the name of the missing file, they did not mention a name. Instead, they started opening files and folders and eventually opened a file and said this is the file. He said he was a bit taken aback because

he was there to help retrieve a missing file but then he is being shown the file that was supposed to be missing.

He was then told that the contents of this file which was the 19th July proceedings of the case The Republic vs. James Gyakye Quayson were similar to that of the 18th July 2023 proceedings of the same case.

He said he asked them if they could remember some keywords that would be expected to be in the 19th July 2023 proceedings so that they could use that as a search point in retrieving the lost data. He said they gave him the word 'compound'. However, after searching with the word 'compound', they were unable to yield any results.

He further told the Committee that a day after he went to assist in retrieving the proceedings which yielded no results, Pascal brought him the hard drive to further assist with the data recovery. He said while copying the information from the drive to begin the data recovery process, Pascal told him that he needed to return the hard drive so he truncated the process and gave Pascal the hard drive.

5.11 EVIDENCE OF FIRST PRIME SUSPECT (MR. FRANCIS EPHRAIM BAIDEN) (A1)

Mr. Francis Ephraim Baiden told the Committee that he is the Deputy Director of ICT in-charge of E-Justice and currently stationed at the Law Court Complex. He has been with the Judicial Service for the past twenty years. He told the Committee that he knows Mr. Albert Adanse and Mr. Pascal Naa Zury because they are IT officials that work under his supervision at the Law Court Complex.

He said he was served with a letter accusing him of being one of the prime suspects in a matter involving 'The Republic vs. Mr. James Gyakye Quayson' of which it is alleged that the 19th July 2023 proceedings of Criminal Court '3' has been tampered with.

He further told the Committee that, on 25th July 2023 at about 10:40 am, he was in the office preparing to go for a meeting at the Supreme Court because he was the secretary to the Justice Technical Committee chaired by Justice Nene Amegatcher. On that morning, he was in the office when Mr. Albert Adanse and Mr. Pascal Naa Zury approached him. They told him that there had been an incident at the Criminal Court '3'

and the Judge was asking them to do a report of their involvement in that incident that is regarding what they actually did on that said machine. According to him, as soon as they approached him, he immediately sent a message to the Director of ICT. He said before the Criminal Court '3' incident that was reported to him on 25th July 2023, there was also a challenge at the Land Court '2' with the Recorders machine when a matter was ongoing. He believed it had to do with the Opuni case and the Judge had to resort to longhand so on 26th July 2023, he sent a message to the Director of ICT informing him of the two incidents that is the one that occurred in Land Court '2' and the one that IT Officers reported to him had happened at Criminal Court '3' and the need to take urgent steps to forestall the system so that they did not encounter bigger problems.

He said he officially responded to the query and its attachments have been marked as **Exhibit 'FB1 series'**

He further told the Committee that when he was responding to the query, at paragraph 7 of his query, he made mention of a whatsapp message he sent to the Director of ICT, Mr. Nutifafa which has been attached as Exhibit 'C' but then he mistakenly forgot to attach it when submitting the query. The whatsapp chat was therefore tendered in and marked as **'Exhibit 'FB2 series'**

He also told the Committee that in Mr. Adanse's report to the Judge, it stated that, *'on 20th July 2023 in the morning, he was called to Criminal Court '3' to assist them to boot the system and that they had tried putting it on but they were unable to do so. On getting there, he noticed that the power cable was not properly inserted into the system so he just pushed it back in, pressed the boot button and once the BIOS started loading he notified the Clerks that the system is up and then he left'*

He said 'Mr. Pascal's account indicate that 'on 24th July 2023, he was called to Criminal Court '3' to assist them to boot the system but he tried all his best and he could not boot the system. The next action he took was to inform the Head of Support at the workshop IT department, Mr. Seth Nkrumah Banagod. Based on Mr. Nkrumah's instructions, he brought the system unit to the workshop for further assistance on it.'

He further stated that on 24th July 2023, Mr. Nkrumah indicated that, they had planned to send a computer to Land Court '2'. Mr. Banagod called him on that same day in the morning that there was a problem with the recording system unit at Criminal Court '3'

and therefore he was seeking permission from him to send the system unit allocated for Land Court '2' to Criminal Court '3' to help the court's work which he authorized him to do so.

he added that on 26th July when Albert and Pascal told him about the request made by the Judge at Criminal Court '3' to write a report to be sent to the Honourable Lady Chief Justice because the court was scheduled to meet and the parties were in court waiting for the Judge to call the case. The Judge did not want the matter to go to the media before the Honourable Lady Chief Justice heard of it. Therefore, there was a need for an urgent report to be done but when they came, they said they could not do a report though they had already prepared the report, but because he was the Head, they said they needed to inform him of what was happening before they took another action. That was when he also informed the Director of ICT about the situation. The Director of ICT instructed him to be the one to prepare the report to the Judge.

He told the Committee that as part of the standard operating procedure in getting machines worked on, Mr. Banagod's always discharges the system by removing the hard drive, the memory card and there is a small device called the CMOS battery. Then he allows the system to rest for at least a minimum of 24 hours. On Mr. Banagod's account, when the system unit was brought to him, he tried several times to get it to boot but it failed. The next action was to discharge the system, he removed all those things and allowed it to rest for 48 hours.

He further stated that as an IT person the removal or the discharge of the CMOS battery and some of the parts from the computer would have an impact on a computer especially with the CMOS battery which helps the system to keep its clocking system up and running. When it is removed or if it is faulty, anytime the system boots up, it will bring up the last known working date of the computer. That is the impact of the CMOS battery on the system. That is the date and time. It brings you the last known working date of the system.

He told the Committee that in the 26th July 2023 report he prepared, he basically took the account of Albert Adanse who went on 20th July 2023 to work on the system and what he saw and what he did. He also took the account of Pascal Naa Zury, what he did on the computer on 24th July 2023, put them together in the report and addressed it to the Judge. He said he copied the Court Manager, the Director of ICT and the Registrar.

He added that, on 26th July 2023, the Director of ICT had instructed that they take custody of the system unit. He said he informed his team of the directives given by the Director and Mr. Banagod reassembled the machine and it was brought to his office. He said the machine was kept in his cabinet and locked.

After he had submitted the 26th July 2023 report, he had a discussion with the Director of ICT on phone. He informed him that because of the urgency of the matter and there was the need for him to attend a meeting which he was a Secretary, there were some things that they actually did not take time to look into. So then, the Director of ICT instructed that them to go in and check some things. First, check on the E-justice system whether all the proceedings that were done on that day including the alleged tampered proceedings were uploaded into the E-justice. Also, they should check whether the other day's cases were also affected. With the interaction with his team, when they did the backup on 24th July 2023 by copying all the old files that is, the files from the faulty system onto the replaced one, they did mentioned that they saw some deleted files in the recycle bin. The Director of ICT asked them to check which user did that deletion. So based on those instructions he also caused his team to bring a monitor, a keyboard and a mouse to his office. The team including Mr. Albert Adanse, Pascal Naa Zury and him (Mr. Baiden). They brought the monitor and the other accessories and the three of them booted the machine in his office on 27th July 2023.

He said there were some word temporal files that were in the recycle bin. They saw two files. When they opened a file and checked the content, the content speaks to the same 19th document that is alleged to have been tampered with.

He stated that when they booted the machine on 27th July 2023, the system had the date showing 21st July 2023 instead of 27th July 2023. Along the line he instructed his team to change the date and the time to reflect the actual day they had logged on to the machine which was 27th July 2023.

After changing the date and time, because he needed to report to the Director of ICT, they took a screenshot of the file folder where the alleged tampered document was located. He said he took the screenshot of it using the snipping tool. Before the final document, which he tendered in as Exhibit FB1 series, which is the 27th July 2023 report, he had earlier submitted a soft copy via email to the Director of ICT which unfortunately he did not have with him at the Committee sitting because he does not have access to his corporate email. He said in that report, he indicated the things he saw when he booted

the machine which were the wrong date and time but then the Director asked him to take those details off.

He informed the Committee that when they booted the machine, he had then received a screenshot of a word properties file that was accessed by Mr. Stephen Amoah and Pascal. Pascal used his phone to take a screenshot of it and that document showed the last editing date, the last printed date, the number of minutes spent for the editing and the user that did the editing. It also showed the path to where that document was saved. They logged in with an account called 'Justice' and that was an administrator account because they did not have access and there was no way they could have access to the Doreen account. He said later in the day on 27th July 2023, he had sent a message to Mr. Pascal requesting him to come back because the Director of ICT instructed that they should find out the User who deleted the file. He stated that this suggested that they had booted the machine and perhaps shut down and then they took the monitors away. Then when that instruction came, he asked them to come back again in the account given by the investigator, he did mention that when they were questioned whether they rebooted the machine on that day, but they said no they did not.

Under cross-examination, he stated that the report that had the time logs indicated were sent via email using the corporate email address. He added that a copy of the report could be found on his MacBook but that the MacBook was in the custody of the Service.

5.12 EVIDENCE OF SECOND PRIME SUSPECT (MS. ADWOA BOATEMAA PREMPEH (A2))

Ms. Adwoa Boatemaa Prempeh told the Committee that she was a Court Clerk at the Criminal Court '3' but was transferred to the Land Registry as a Process Clerk. She has been working with the Judicial Service for the past two (2) years. She told the Committee that while at Criminal Court '3'; she worked with Ms. Stella Sowah and Ms. Mavis Amoatey who were Court Clerks. She added that there were two (2) Court Recorders in the Courtroom. They were Ms. Doreen Karikari and one other lady called Jane who was replaced with one other lady called Talatu. However, Ms. Sandra Acheampong was later transferred to the Court as a Court Recorder. She said her work schedule as a Court Clerk was to ensure the judge saw all dockets before court starts. All processes that were needed to be on the dockets were also on the dockets, among others. She told the Committee that when she was sent to the Court, there was a procedure that she had to follow apart from being the Court Clerk. She said the newly transferred Staff or the youngest Staff in the

Court had to stay behind to lock up after the Judge left because they used to have a problem with the Judge locking up and taking the key away. He said Mavis used to lock up because at the time, she was the youngest but when she was transferred to the Court, she had to lock up after the Judge left because she was now the youngest amongst the Staff.

She told the Committee that, she received a query letter stating that she and Mr. Baiden were being investigated in respect of the missing proceedings of the Republic vs. James Gyakye Quayson on 19th July 2023 and that she was one of the prime suspects.

She said it was on 21st July 2023 that she got to know that the 19th July 2023 proceedings was now the same as the 18th July 2023 proceedings that is the content and to be specific the questions and answers.

She added that on 28th July 2023, the Court Manager informed them that the Honourable Chief Justice was coming to see them. She said after the Honourable Lady Chief Justice had a brief meeting with them, the next day they were sent to the National Signals Bureau until late into the evening. They were asked series of questions to find out what happened to the proceedings. So the following weekend everything was going okay until Mr. Daniel Ofosu Asare came with another gentleman called Ben and went to speak to the judge. Afterwards they came out and asked who is Adwoa and told her that they needed to take her in. she said before that, she had been sent together with her other colleague Stella to take the polygraph test. According to her, on their way to the Signals Bureau office, Mr. Daniel Ofosu Asare asked various questions and amongst them was when he asked if she knew what Microsoft Word was and her response was 'Is it that white thing'. She said she jokingly gave that answer because she knows what Microsoft Word is. She can type but not a good typist and also the computer was not really her friend.

She told the Committee that on 19th July 2023, she was not the only person in the courtroom after the Judge left. She said she was with Ms. Stella Sowah packing the dockets, exhibit files, sanitizers, etc. to the Secretary's room which is located outside the courtroom hence they had to step out of the courtroom a few times to send the dockets there. She said she left the court premises together with Ms. Stella Sowah and that would be around 4:30 pm.

According to her, after court sitting was over, Bailiffs came in to the courtroom to submit the Proof of Service made in order to have them filed on their respective dockets. She said after court sitting, the Judge rang the bell and asked if the Court Recorders were still around and she said they had all left but then she did not tell the Judge that she was the only person left. She added that at some point before the Judge left, the Judge came to bid her goodbye as she usually did and inquired if she was the only person left. She said she told the Judge that it was left with Ms. Stella Sowah and her in the courtroom. She added that due to her response, the Judge saw Ms. Stella Sowah and also bid her goodbye.

She indicated that at a point the Judge requested to see her police escort to give him the bag pack to put in her car but then the police escort was outside the courtroom and she had to call him in to see the Judge.

She told the Committee that she believed the Security on duty that day assumed she was the only person in the courtroom because at the time they came around to lock up; Ms. Stella Sowah had gone to the Secretary's room to pack the dockets. At the time, Ms. Stella Sowah was returning to the courtroom, she saw the security lady walking towards the other end of the floor so her back was facing Ms. Stella Sowah and as a result she would not have seen Ms. Stella Sowah.

She further told the Committee that she had received the password of Doreen's account some months before the incident. She said there were two occasions that Ms. Doreen Karikari was absent, she requested them to assist with some work using the Recorders' machine, and as a result, Doreen mentioned the password to her via phone call. She further stated that, on both occasions when Doreen mentioned the password, the phone was on speaker and Mavis was present. She said they did not write the password down because they do not have the Recorders' machine and hence did not bother to keep the password for any future use.

5.13 EVIDENCE OF 1ST WITNESS FOR SECOND PRIME SUSPECT (MS. STELLA SOWAH)

Ms. Stella Sowah said she has worked with the Judicial Service for the past twenty-nine years as a Court Clerk. She said she used to be a Court Clerk at the High Court, Criminal Court '3' for the past eight years but now at Land Court '1' since October 2023. She said Adwoa Prempeh and Mavis Terby were also Court Clerks at Criminal Court '3'. She told

the Committee that as a Court Clerk, her schedule involved arranging the dockets, heading record books and getting everything set for the Judge to work. She told the Committee that on 19th July 2023, the Court closed around 4:10 pm. She said she did not leave right after Court closed because the Clerks stayed to pack the dockets. She said Mavis Terby had to leave before her and Adwoa because she lives at Dodowa but she and Adwoa left the Courtroom around 4:30 pm and the Judge left at about 4:20 pm. She said before the Judge left, she opened the door to bid whoever was in the courtroom goodbye and she saw Adwoa sitting down she said the Judge asked if Adwoa was the only one left in the Courtroom, and Adwoa answered, it was left with she and Auntie Stella. She then stood up and the Judge bid her too goodbye and the Judge left. She said while they were packing the dockets and filing every process that would be in the dockets to prepare for the next day, she stepped out of the courtroom to the Secretary's room to put the dockets there. On her return to the courtroom, she saw the back of the security lady going towards the extreme end of the corridor so she doubts if the security even saw her since their back was facing her. She told the Committee that sometimes, when they close, they leave one person behind to attend to the Judge when she rang the bell and needed any assistance. She stated that when Adwoa was transferred to the courtroom as a Court Clerk, they told her that she was now the last baby so she would have to attend to the Judge after close of work since she would now be taking over from Mavis Terby who used to be the last baby and was staying behind. She told the Committee that she lived at Bubuashie and Awoa lived at Pokuase. She said on 19th July 2023, she left with Adwoa but not to Tema Station because Adwoa met with her father and she went to Tema Station. She told the Committee that she got to know Adwoa was listed as a prime suspect when she heard that was what the BNI report concluded. She further told the Committee that she was made the prime suspect because they said she was always the last to leave the Courtroom.

Under cross-examination, she told the Committee that she did not see Mr. Baiden entering the Courtroom after she had left.

5.14 EVIDENCE OF 2ND WITNESS FOR SECOND PRIME SUSPECT (MAVIS TERBY AMOATEY)

Ms. Mavis Terby Amoatey told the Committee that she is a Court Clerk at the High Court, Criminal Division '3', Law Court Complex. She also told the Committee that as a Court Clerk, she ensures that all case dockets for the day are placed on the Judge's table,

file documents when needed, head the record book, do entries in the dockets and request for an Interpreter when needed. She informed the Committee that there were three (3) Court Clerks in the courtroom. Other staff in the Courtroom were Court Recorders. They were Doreen and Sandra. Per the nature of the work of the Court Clerks, they do not use the Recorders' machine as they have their own machine.

She told the Committee that there were occasions where on official order given to them. She said she was in court, when she received a call from Doreen who was the Court Recorder. Doreen told her she was not feeling well that day so she would not come to work. She said the Judge needed some proceedings for Judgment so we should assist. Doreen had to navigate us through her machine. At the time she was the one who sat on Doreen's chair and Adwoa sat next to her. She told the Committee that when Doreen gave out the password, her hands were on the keyboard so when she mentioned it, then she would type it in and the computer opened. She said Doreen navigated them through the whole process and when they were about to attach the proceedings, then they told her that when they were finished, they would give her a call. In the course of attaching the proceedings, it was not going through so they called on an IT person, Albert to assist in zipping the file and sent it to the Judge. On another occasion, they were in Court when Doreen called to inform Adwoa and her that she would not make it to work so they should assist in preparing the cause list. So on this occasion Adwoa was the one who used her phone to call Doreen and while on loudspeaker, she mentioned the password again. They typed only the first case then Sandra who was the other Court Recorder walked in and took over to prepare the cause list. She told the Committee that they never wrote down the password for both instances. She further told the Committee that she was in Court on 19th July 2023 but could not remember the time she left and also did not log out. However, she recalled that Doreen and Sandra left before she left.

Under cross-examination, she told the Committee that the password for Doreen's account was never shared with Mr. Baiden. She also said she had never had a personal interaction with Mr. Baiden.

6.0 FINDINGS

Upon hearing the evidence presented by the witnesses, the following findings were made:

- a) The record of the proceedings for 19th July 2023 were tampered with. The Committee noted that in comparing the textual integrity and the format or layout of the record of proceedings of the 18th July, 2023 with that of the 19th July, 2023, it could be seen they were virtually the same, apart from the title. The text of the question and answer of the two days was exactly the same and this would be most improbable in real life.
- b) The doctoring of the 19th July 2023 record of proceedings was not remotely done. It was done at where the computer was located physically.
- c) Whoever owns the password is the one that accesses the computer and hence the Committee would have found the Holder of that password 'Doreen Darko' as being culpable for whatever was done using those credentials.

However, the Holder of that password/credentials was not a subject of investigation but was called as a Witness. The explanation to the committee reveals that, it is a common practice among the Recorders to allow colleagues to use their password or login credentials to assist with work duties.

- d) The Committee finds that there is a collaborative effort in the tampering. One person had access to the document and tampered with it then a person with technical expertise attempted to take out evidences of the computer activity in the system event logs during that time period. The Committee is however unable to pinpoint specific individuals within this manifestly collaborative effort. Our inability stems from poor IT governance including out of date IT Policy and lack of implementation of the existing IT Policy, which has resulted in over liberalized exchange of password or login credentials among Court officials.

i) First Prime Suspect – Mr. Francis Baiden, Deputy Director of ICT

- a) He was not present in the courtroom on 19th July 2023 nor around the critical time when the tampering or doctoring was believed to have occurred.
- b) Testimonies from various Court Staff and IT Staff corroborated that, he was rarely involved directly in the court's operational computers.
- c) No evidence directly linked him to any activity of unauthorized access or tampering with the computers in Criminal Court.
- d) His role was confined to General IT Support across the Law Court Complex and did not specifically involve engaging with the Court Recorders' computers or handling sensitive data without oversight.

In this regard, we noticed the Director of ICT, Nana Nutifafa's directive to him to redact portions of an official memo he had asked Mr. Francis Baiden to send to him for onward transmission to the Chief Justice.

ii) Second Prime Suspect – Ms. Adwoa Boatemaa Prempeh, (Former Court Clerk, Criminal Court '3')

- e) She was initially suspected of tampering with the record of proceedings of 19th July 2023 primarily because she was reportedly the last person seen in the courtroom. However, a critical consideration of testimonies by the various witnesses including a review of the forensic report, which triggered the setting up of the Committee reveals that other Court Staff were present and left the room with Adwoa. We do not have direct evidence on record suggesting that Adwoa Boatemaa is the one who tampered with the record of the proceedings.
- f) We also have evidence that suggests that, Adwoa's interaction with the Court's computers were minimal and does not show a pattern of independently using or accessing the Recorders' computer system. Previous instances where she interacted with the Recorders' computer system were under the direct guidance from the official Court Recorder Doreen Darko'.
- g) Another finding is also the absence of substantial evidence of motive or opportunity for Adwoa Boatemaa Prempeh to tamper with the record of proceedings.
- h) She did not exhibit knowledge or behavior that aligns with the capability to execute such tampering within a period of seven minutes as established by the Forensic report.

7.0 RECOMMENDATIONS

In light of the forgoing findings, the following recommendations were made:

- i. **Mr. Francis Baiden, Deputy Director of ICT**
 - He should be exonerated for any wrongdoing concerning the tampering of the record of proceedings of 19th July 2023.
 - He should be re-instated and all entitlements due him be restored including benefits withheld from him by reason of the interdiction.
- ii. **Ms. Adwoa Boatemaa Prempeh, former Court Clerk, Criminal Court '3'**
 - She should be exonerated from any accusation of having tampered with the record of proceedings of 19th July 2023.
 - It was noted that she was not interdicted unlike Mr. Francis Baiden, Deputy Director of ICT. In the circumstances, we do not recommend the restoration of any benefits, as she had not been deprived of any.

8.0 OTHER OBSERVATIONS AND RECOMMENDATIONS

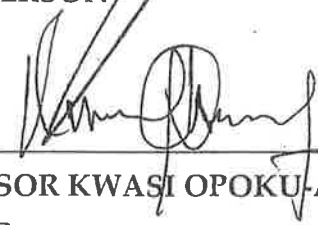
In view of other information gathered upon hearing the evidence, the Committee made further findings and recommendations:

- i. The Committee finds it worrying that Court Recorders do not review typed record of proceedings before signing off.
- ii. The Committee was surprised to note that Court Recorders appear to have a discretion regarding what to record using the Direct Transcription System (DTS) and the Mini Voice Recorder. This is unacceptable as it undermines effective backup storage of court proceedings. It is therefore recommended that there should be a uniform policy or administrative manual concerning recording of court proceedings, which should be strictly enforced.
- iii. The courtroom lack of stringent security measures for monitoring and logging access to sensitive computer systems, which contributed to initial uncertainties over who could have tampered with the record of proceedings for the 19th July 2023.
- iv. There should be voice recording in the courtroom to serve as back up.

- JUDICIAL SERVICE / GHAANA JUDICIAL SERVICE OF / JUDICIAL SERVICE
- v. There should be strict enforcement of the policy regarding access to court proceedings and court orders
 - vi. Unauthorized officials who release proceedings, rulings or orders of the court should be severely sanctioned.
 - vii. The Committee could not make adverse findings based on the evidence adduced before it regarding the suspects Mr. Francis Baiden and Ms. Adwoa Boatemaa Prempeh. That notwithstanding, the Committee understood from the trend of testimonies and the forensic report that there could be unhealthy practice among some court staff for manipulation or tampering with record of proceedings for benefit of their sponsors who may be a party to relevant proceedings. We recommend that a comprehensive audit should be undertaken to expose such unwholesome practices which strike at the heart of the integrity of justice dispensation.



HIS LORDSHIP JUSTICE DR. ERNEST OWUSU-DAPAA
CHAIRPERSON



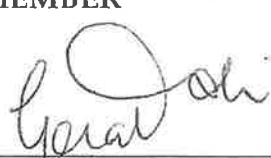
PROFESSOR KWASI OPOKU-AMANKWA
MEMBER



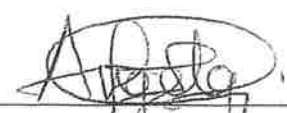
MS. ELIZABETH OHENE
MEMBER



MS. MANDY DZIFA KWAWUKUME
MEMBER



MR. GERALD AWADZI
CO-OPTED MEMBER



MS. ANGELA AMISSAH-MENSAH
SECRETARY

DATED: 29th APRIL 2024

JUDICIAL SERVICE

D O F (#)

CRIMINAL COURT THREE (3)
CRIMINAL DIVISION
LAW COURT COMPLEX
26TH JULY 2023

THE CHIEF JUSTICE OF GHANA
SUPREME COURT BUILDING
ACCRA

YOUR LADYSHIP,

**LOSS OF COURT PROCEEDINGS OF THE 19TH JULY 2023 IN THE
MATTER OF REPUBLIC VRS JAMES GYAKYE QUAYSON**

Respectfully, I am the sitting Judge in the Criminal Court three (3) at the Law Court Complex, Accra and also the Judge hearing the case of **REPUBLIC VRS JAMES GYAKYE QUAYSON** with suit No: **CR/0264/2022**.

Your Ladyship, the case is to be heard today at 12:30pm for continuation of the cross examination of the PW1. I have been informed by the recorders in my court that they are unable to retrieve the proceedings of the 19th of July 2023 which is the last adjourned date from the court's computer. They invited personnel from the IT Department in the Law Court Complex to assist in the retrieval of the proceedings as the prosecution as well as the counsel for accused person have written to the Court's Registry for a copy of the proceedings of the 19th July 2023. The recorders and the personnel from the IT Department have informed me of their inability to retrieve the proceedings of that day.

I therefore requested for a report from both recorders in the court as well as the personnel from the IT Department, the reason for this situation. Please find attached their said report.

I am therefore writing to respectfully inform your Ladyship of this happening and to seek for your directives.
Thank you.

Yours Faithfully

THIS IS THE INSTRUMENT/MARKET
AS EXHIBIT..... REFERRE

TO IN THE AFFIDAVIT.....

SWORN BEFORE ME THIS.....

DAY OF.....

COMMISSIONER FOR OAT

D.O 6



H/L JUSTICE MARY MAAME EKUE YANZUH
JUSTICE OF THE HIGH COURT, CRIMINAL COURT THREE (3)

LIST OF CASES

JUDICIAL SERVICE



MEMORANDUM

TO: THE JUDICIAL COUNCIL

FROM: CHIEF JUSTICE

DATE: 14th JUNE 2024

SUBJECT: BRIEF ON THE NEED TO INCREASE THE CONVENTIONAL NUMBER OF JUSTICES OF GHANA'S SUPREME COURT TO TWENTY

THIS IS THE INSTRUMENT MARKED
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TO IN THE AFFIDAVIT...
SWORN BEFORE ME THIS...
DAY OF...
COMMISSIONER FOR OAT

1.0 INTRODUCTION

Hon. Colleagues,

On 7th February 2024, I presented a paper to His Excellency, the President of the Republic, justifying the need for the above-mentioned request. This request was predicated on the following reasons which have been expanded in the attached brief to the President.

1. The Constitution of the Supreme Court of Ghana (SCOG) for its work
2. The need to constitute stand-alone panels and the challenges involved in constituting non-overlapping panels, as a result of recusals from Judges and the volume of work which requires the SCOG to sit twelve times a month.
3. Volume of work. As at the end of the legal year, the Supreme Court had 595 pending cases
4. Delayed decision-making and delivery
5. Implications of increase in Judges of the lower courts vis-à-vis Justices of the SCOG
6. Comparative review of numbers and Jurisdictions of the SCOG and the Supreme Court of the United States (SCOTUS)

I requested His Excellency the President to consider the appointment of additional five Judges to the Supreme Court to ensure the speedy resolution of cases, and speedy delivery of final decisions for the nation.

2.0 HIS EXCELLENCY THE PRESIDENT'S RESPONSE

Upon receipt of the paper presented, His Excellency sought the views and comments of the Hon. Attorney-General and Minister for Justice and the Ghana Bar Association.



The responses from the two stakeholders have also been attached for your kind perusal. In summary the Ghana Bar Association agreed with the request of the Chief Justice in principle. The Hon. Attorney-General and Minister for Justice also agreed with the request and submitted that:

"Having regard to the relevant provisions of the Constitution, the determination of the number of Justices of the Supreme Court at any point in time would be a function of the administration of justice and the needs of the Court". He also further submitted that the highest number of Justices of the Supreme Court is not capped in the Constitution or in the Courts Act 1993 (Act 459). This gives discretion to the appointing authority to increase the appointment of Justices to the Supreme Court subject to the demands of the needs of justice.

(Copies of the responses from the above-mentioned Stakeholders are attached hereto).

Based on the correspondence received, His Excellency the President and I had further discussions on the matter. His Excellency indicated that because of the ongoing process of the Constitutional review, he was of the view that it would not be prudent to discuss the expansion of the Judges on the SCOG in the Public domain. He however intimated that he would be amenable to considering the appointment of additional nominees to the SGOC when presented.

3.0 PRESENTATION OF NOMINEES FOR ADVICE OF THE JUDICIAL COUNCIL

On the strength of this discussion and the urgent need to address the justice needs of the citizenry, I hereby present five nominees for the Judicial Council's consideration and advice to His Excellency the President. In view of the exigencies involved and the need to present the nominees to the Council of State by Tuesday, 18th June 2024, I convened this Emergency Judicial Council meeting to discuss this very important matter.

The nominees are:

1. Justice Angellna Mensah-Homiah JA
2. Justice Eric Kyei-Baffour JA



3. Justice Edward Amoako- Asante JA
4. Justice Cyra Pamela C. A. Koranteng JA
5. Justice Afia Serwah Asare- Botwe JA

I present these nominees who are well known by the Judicial Council for the following reasons:

Justice Edward Amoako-Asante is currently the President of the ECOWAS Court and during his tenure which commenced in 2018, has provided excellent leadership and has enriched the jurisprudence of the ECOWAS Court with his quality judgments. In my view he will be undoubtedly an invaluable asset on the Supreme Court of Ghana.

The other four Judges are working Judges of the Court of Appeal. Their work has been distinguished by outstanding service, courage, judicial administrative prowess, and competence. The four Judges possess the qualities required to address the needs of the administration of justice.

I therefore respectfully submit this request for your consideration.

A handwritten signature in black ink, appearing to read 'Gertrude Sackey Torkornoo'.

JUSTICE GERTRUDE SACKEY TORKORNOO
CHIEF JUSTICE



REPUBLIC OF GHANA

OFFICE
OF
THE ATTORNEY-GENERAL
AND MINISTRY OF JUSTICE

P. O. Box MB 68, Ministries, Accra
Digital Address: GA-110-0587

Kindly quote this number and date on all correspondence

My Ref. No.

D71SF.26

Your Ref. No.

Date.

29th April 2024

HIS EXCELLENCY NANA ADDO DANKWA AKUFO-ADDU
PRESIDENT OF THE REPUBLIC OF GHANA
JUBILEE HOUSE
ACCRA



Attn: NANA BEDIATUO ASANTE
SECRETARY TO THE PRESIDENT

Your Excellency,

**RE: BRIEF ON THE NEED FOR MINIMUM NUMBER OF TWENTY JUDGES
ON GHANA'S SUPREME COURT**

Respectfully, by a correspondence referenced as OPS104/24/231^A dated 18th March, 2024 headed as above, the Secretary to the President seeks the input and perspective of the Attorney-General and the Minister for Justice on a brief submitted by the Chief Justice of Ghana, Justice Gertrude Araba Esaaba Sackey Torkornoo to His Excellency the President of the Republic of Ghana dated 21st February, 2024.

The brief, a copy of which was attached to the correspondence under reference, proposes an increase in the number of Justices of the Supreme Court from the conventional not fewer fifteen Justices to twenty Justices.

The brief sets out the jurisdiction of the Supreme Court under the Constitution as follows:

- (1) Final appeals in all cases filed in the hierarchy of courts including final appeals for chieftaincy matters from the Judicial Committee of the National House of Chiefs;
- (2) Original and exclusive jurisdiction in the interpretation of the Constitution;
- (3) Supervisory jurisdiction over Superior Courts;
- (4) Review jurisdiction over decisions of the Supreme Court;
- (5) Original jurisdiction in determining whether or not official documents that may be prejudicial to the security of the State or injurious to public interest may be produced in any court;
- (6) Original jurisdiction in Presidential elections petitions; and

- (7) Original jurisdiction over claims of reparation for wrongly convicted persons.

The brief also provides statistics on the number of Justices of the Supreme Court, cases filed, cases concluded and cases pending in the five-year period (2018-2023).

By convention, the number of Justices of the Supreme Court has averaged fifteen Justices since the coming into force of the Constitution, 1992. The Supreme Court had the lowest number of twelve (12) Justices in the 2022/2023 legal year.

For the 2018/2019 legal year, the Supreme Court of Ghana had 14 Justices. The highest number of eighteen Justices was recorded in the 2019/2020 legal year due to new appointments made in anticipation of the imminent retirement of some Justices. By 2020/2021, the number of Justices of the Supreme Court had reverted to sixteen (16). At the end of the 2022/23 legal year, the Supreme Court had 12 Justices, the lowest in the period under review.

**JUSTIFICATION PROVIDED BY THE CHIEF JUSTICE FOR AN
EXPANSION OF THE MEMBERSHIP OF THE SUPREME COURT**

According to the brief, the Supreme Court is duly constituted by not less than five Justices in the exercise of its appellate or supervisory jurisdiction and by seven Justices in the exercise of its original jurisdiction in the interpretation and enforcement of the Constitution, or in its review jurisdiction.

In an application for review in a constitutional matter, nine Justices of the Court usually constitute a panel for the hearing of the application. Thus, with the conventional average of fifteen Justices, only two panels of five and seven Justices or nine Justices can be constituted. This tends to exhaust the entire number of Justices of the Supreme Court on a sitting day.

The constitution of the Supreme Court for appeals is further challenged by recusal of Justices of the Court owing to the frequent situation where some of the Justices would have dealt with aspects of the cases on appeal during their journey from the courts of first instance up to the Supreme Court. The ripple effect of this, which is attended by disruption of pre-sitting conferences, post-hearing conferences and hearings, is the constant reconstitution of panels to enable appeals to be heard.

Furthermore, with not less than forty-five cases on the Cause List in a week and approximately one hundred and eighty hearings in a month, each panel

of the Court has to manoeuvre convenient times for pre-sitting conferences on applications, writs and appeals, and for post-hearing conferences to determine final opinions on each matter before rulings and judgments can be delivered. These conferences, due to the fewer number of panels that can be constituted, contribute to delays in the work of the Supreme Court.

The Chief Justice's brief provided graphic statistics covering a five-year period, from October 2018 to October 2022, of cases pending at the Court at the beginning of each legal year, matters filed during each legal year, matters concluded each legal year, cases pending at the end of each legal year and the rate of conclusion of cases. While the statistics reveal a general exponential increase in the cases before the Court over the years under consideration, there is a decreasing trend of cases concluded across the years under review.

Whereas there were **761, 869, 906, 799 and 939** cases before the Supreme Court in the 2018/2019, 2019/2020, 2020/2021, 2021/2022 and 2022/2023 legal years respectively, the Court concluded **559 cases** with 14 Justices, **653 cases** with 18 Justices, **694 cases** with 16 Justices, **385 cases** with 14 Justices and **344 cases** with 12 Justices in the respective legal years. The domino effect of this is a **backlog** of 202, 216, 221, 414 and 595 cases in the respective legal years, correlative with the number of Justices of the Supreme Court for the years under review.

The brief articulates that the policy behind the decision to reduce the jurisdiction of the Supreme Court or appoint more Justices ought to be dependent on the obligation to match the supply of judicial services with the demand for judicial services, measured by the flow of new cases, the number of pending cases and disposal of the backlog of cases.

In view of the realities of the workload and output of work at the Supreme Court and the need for the Court to appropriately serve the justice needs of the country and ensure the speedy resolution of cases, the Chief Justice requested the President to consider the appointment of additional Justices to the Supreme Court, to bring the number of Justices of the Supreme Court to twenty.

This will enable the constitution of three undisturbed panels of five Justices and two panels of seven or nine Justices to work on any set of cases to reduce the specter of constantly reconstituted panels and its effect on pre-hearing conferences and post-hearing conferences.

ISSUE

The issue arising is whether or not the proposal to increase the conventional number of Justices of the Supreme Court from fifteen to twenty is in order.

ADVICE

In addressing the issue, the following were considered:

- (a) the Constitution;
- (b) the Courts Act, 1993 (Act 459);
- (c) the composition of the Supreme Court in some jurisdictions sharing the Common Law tradition; and
- (d) the need for a review and/or control of the jurisdiction of the Supreme Court.

A. The composition of the Supreme Court

Article 128 of the Constitution provides for the composition of the Supreme Court and the qualifications of its Justices as follows:

"128. Composition of the Supreme Court and qualifications of its Justices

(1) The Supreme Court shall consist of the Chief Justice and not less than nine other Justices of the Supreme Court.

(2) The Supreme Court shall be duly constituted for its work by not less than five Supreme Court Justices except as otherwise provided in article 133 of this Constitution.

(3) The Chief Justice shall preside at sittings of the Supreme Court and in his absence, the most senior of the Justices of the Supreme Court, as constituted, shall preside.

(4) A person shall not be qualified for appointment as a Justice of the Supreme Court unless he is of high moral character and proven integrity and is of not less than fifteen years' standing as a lawyer."

Even though clause (1) of article 128 of the Constitution stipulates a minimum of ten Justices including the Chief Justice, for the Supreme Court, the number of Justices for the Court is not capped. The framers of the

Constitution consciously envisioned the need not to impose an upper limit on the number of Justices of the highest court of the land, providing the opportunity for an increase as may be necessitated by the demand for justice.

Thus, in the absence of a constitutionally determined upper threshold of the number of Justices of the Supreme Court, the determination of the number of Justices serving on the Court at any point in time would be a function of the administration of justice and the needs of the Court. Given the massive influx of cases at the Supreme Court (in contrast to the situation in 1992 when the Constitution was adopted and enacted), the request for the increase in the number of Justices of the Supreme Court to twenty is not only constitutional but also in accord with the need to ensure speedy and effective justice, avoid delays and unnecessary expense as well as conduce to the efficient administration of the Supreme Court.

B. The jurisdiction of the Supreme Court

The power of the Supreme Court to review its decisions, the power of a single Justice of the Supreme Court and the original jurisdiction of the Supreme Court to determine whether or not official documents deemed prejudicial to the security of the State or injurious to the public interest may be produced in any court are exercisable under articles 133, 134 and 135 of the Constitution.

Section 1 of the **Courts Act, 1993 (Act 459)** is a restatement of article 128 of the Constitution on the composition of the Supreme Court, while sections 2 to 5 of **Act 459** restate articles 129, 130, 131 and 132, respectively, of the Constitution on the general, original, appellate and supervisory jurisdictions of the Supreme Court.

Further, sections 6, 7 and 8 of Act 459 restate the power of the Supreme Court to review its decisions, the powers of a single Justice of the Supreme Court and the original jurisdiction of the Supreme Court to determine whether or not official documents deemed prejudicial to the security of the State or injurious to public interest may be produced in any court, already conferred by articles 133, 134 and 135 of the Constitution.

Section 9 of Act 459 also reproduces the Supreme Court's power to hear and determine petitions presented to the President for the grant of prerogative of mercy.

Thus, from a wholistic examination of the Constitution and Act 459, the Supreme Court is constitutionally and statutorily mandated to:

- (a) determine final appeals in all cases filed in the hierarchy of courts including final appeals for chieftaincy matters from the Judicial Committee of the National House of Chiefs;

- (b) exercise original and exclusive jurisdiction in the interpretation of the Constitution;
- (c) exercise supervisory jurisdiction over superior courts;
- (d) exercise review jurisdiction over decisions of the Supreme Court;
- (e) exercise original jurisdiction in determining whether or not official documents that may be prejudicial to the security of the State or injurious to public interest may be produced in any court;
- (f) exercise original jurisdiction in Presidential elections petitions;
- (g) exercise original jurisdiction over claims of reparation for wrongly convicted persons; and
- (h) hear and determine petitions presented to the President for the grant of prerogative of mercy.

The performance of these functions would, in accordance with the Constitution, require differently constituted panels of the Supreme Court sitting at the same time. Understandably, the constitution of panels of the Supreme Court, almost simultaneously, for effective and efficient work could be daunting for the administration of the Supreme Court in the face of the current conventional upper limit on the number of Justices, especially so as the Court is incessantly inundated with cases.

Evidently, the exponential increase in the backlog of 414 and 595 cases in 2021/2022 and 2022/2023 legal years in which there were the fewest number of Justices serving on the Supreme Court for the five-year period under review, provides scientific basis for an assertion that the capacity of the Court to deliver on its constitutional mandate is significantly affected by the size of the human resources at its disposal. It provides justification for the number of Justices on the Supreme Court to be enhanced in order to stem the tide of the increases in outstanding cases. The expansion of the membership of the Supreme Court to twenty, as requested in the brief, would be appropriate in the circumstances.

However, attention needs to be drawn to the fiscal implication on the public purse of any appointment of a Justice of the Supreme Court. It is noted that salaries payable to a Justice of the Superior Court of Judicature are a charge on the Consolidated Fund. Further article 155(1) of the Constitution provides that a Justice of the Superior Court of Judicature, *subject to the conditions stipulated in the article*, shall, on retiring, in

addition to any gratuity payable to him, be paid a pension equal to the salary payable for the time being to a Justice of the Superior Court from which he retired. The additional appointment of Justices of the Supreme Court thus, has financial implications for the State.

C. Composition of the Supreme Court in some Commonwealth jurisdictions

In the ensuing paragraphs, the composition and jurisdiction of the Supreme Courts in some Commonwealth jurisdictions, namely, the United Kingdom, United States of America, Canada, South Africa and Kenya are considered.

United Kingdom

Section 23 of Part 3 of the **Constitutional Reform Act, 2005 (c.4)** provides for the composition of the Supreme Court of the United Kingdom as follows:

"23. The Supreme Court

- (1) There is to be a Supreme Court of the United Kingdom.*
- (2) The Court consists of 12 judges appointed by Her Majesty by letters patent.*
- (3) Her Majesty may from time to time by Order in Council amend subsection (2) so as to increase or further increase the number of judges of the Court.*
- (4) No recommendation may be made to Her Majesty in Council to make an Order under subsection (3) unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.*
- (5) Her Majesty may by letters patent appoint one of the judges to be President and one to be Deputy President of the Court.*
- (6) The judges other than the President and Deputy President are to be styled "Justices of the Supreme Court".*
- (7) The Court is to be taken to be duly constituted despite any vacancy among the judges of the Court or in the office of President or Deputy President."*

Currently, there are twelve Justices of the Supreme Court of the United Kingdom.

Even though the number of Justices of the UK Supreme Court (UKSC) is fixed at 12 (with His Majesty given the power to increase the number by Order in Council), under section 38 of the **Constitutional Reform Act, 2005 (c.4)**, the President of the UKSC may request for specified persons to act as a judge of the Supreme Court. Section 38 of the Constitutional Reform Act, 2005 (c.4) provides as follows:

‘Acting judges

38. (1) *At the request of the President of the Supreme Court any of the following may act as a judge of the Court—*

(a) a person who holds office as a senior territorial judge;

(b) a member of the supplementary panel under section 39.

(2) A request under subsection (1) may be made by the Deputy President of the Court if there is no President or the President is unable to make that request.

(3) In section 26(7) of the Judicial Pensions and Retirement Act 1993(c. 8) (requirement not to act in certain capacities after the age of 75) for paragraph (b) substitute—

“(b) act as a judge of the Supreme Court under section 38 of the Constitutional Reform Act 2005;”.

(4) Every person while acting under this section is, subject to subsections (5) and (6), to be treated for all purposes as a judge of the Supreme Court (and so may perform any of the functions of a judge of the Court).

(5) A person is not to be treated under subsection (4) as a judge of the Court for the purposes of any statutory provision relating to—

(a) the appointment, retirement, removal or disqualification of judges of the Court,

(b) the tenure of office and oaths to be taken by judges of the Court, or

(c) the remuneration, allowances or pensions of judges of the Court.

- (6) *Subject to section 27 of the Judicial Pensions and Retirement Act 1993, a person is not to be treated under subsection (4) as having been a judge of the Court if he has acted in the Court only under this section.*
- (7) *Such remuneration and allowances as the Lord Chancellor may with the agreement of the Treasury determine may be paid out of money provided by Parliament to any person who acts as a judge of the Court under this section.*
- (8) *In this section "office as a senior territorial judge" means office as any of the following—*
 - (a) *a judge of the Court of Appeal in England and Wales;*
 - (b) *a judge of the Court of Session, but only if the holder of the office is a member of the First or Second Division of the Inner House of that Court;*
 - (c) *a judge of the Court of Appeal in Northern Ireland, unless the holder holds the office only by virtue of being a puisne judge of the High Court."*

Remarkably, the UKSC primarily exercises only an appellate jurisdiction over decisions of other appellate courts, and in rare cases, from courts of first instance. The Court also has a special role in relation to the devolution statutes in Scotland, Wales and Northern Ireland ("devolution references"). To ensure that the UK Supreme Court is not overburdened with cases, the restrictions on appeal are typically onerous, with the jurisdiction invoked only pursuant to leave which is granted if the case raises an *"arguable point of law on a matter of general public importance"*.

The jurisdiction of the UKSC and the mode of exercise thereof, clearly render a comparison of the composition of that court with the composition of Ghana's Supreme Court inappropriate.

United States of America

The brief of the Chief Justice contains a comparative review of the numbers and jurisdictions of the Supreme Courts of the United States of America. Thus, I will refrain from the conduct of a similar exercise herein, save to note that:

- i. The federal system of government practiced by the United States implies that each of the 50 States has a Supreme Court, with the exception of Oklahoma and Texas, which have two Supreme Courts each (one for civil and one for criminal cases).
- ii. The total number of "State Supreme Court judges" throughout the United States of America is three hundred and forty-four (344), implying that the oft-referenced nine Justices of the US Supreme Court (with all its grossly limited jurisdiction) is supported by 344 State Supreme Court judges who deliver final decisions in most cases in the 50 States of the United States.
- iii. The jurisdiction of the US Supreme Court is much narrower with the Court further circumscribing same through a selective process of determining cases to be heard each year. Consequently, the number of cases heard by the US Supreme Court is about ten percent (10%) of the number of cases heard by the Supreme Court of Ghana each year.

Considering the above, a comparison of the composition of the US Supreme Court with that of Ghana's Supreme Court is misleading and unhelpful.

Canada

In Canada, the number of Justices of the Supreme Court is capped at nine - the Chief Justice of Canada, and eight puisne judges. A puisne judge of a court is a judge other than the Chief Justice of that court. Subsection (1) of section 4 of the Supreme Court of Canada Act, R.S.C., 1985, c. S-26 provides for the constitution of the Court as follows:

"Constitution of Court

4 (1) The Court shall consist of a chief justice to be called the Chief Justice of Canada, and eight puisne judges."

Remarkably, the Supreme Court of Canada has only an appellate jurisdiction, being the highest court of appeal in both civil and criminal matters. Most appeals are heard only pursuant to the grant of leave by the Court, where the matter involves a question of public importance or an important issue of law (or of both law and fact) warranting consideration by the Court. On the average, the Supreme Court of Canada hears between 65 and 80 appeals in a year, ensuring that the workload is significantly lower than that of Ghana Supreme Court.

South Africa

The Constitution of the Republic of South Africa, 1996 provides for the judicial system of South Africa. At the apex of the judicial system are two courts - the Constitutional Court and the Supreme Court of Appeal, with the Constitutional Court being superior in rank.

The **Constitutional Court** has jurisdiction only on constitutional matters and issues connected with decisions on constitutional matters. It consists of eleven Justices, that is, Chief Justice, Deputy Chief Justice and nine other judges.

Section 167 of the South African Constitution provides as follows:

***167. Constitutional Court**

(1) The Constitutional Court consists of the Chief Justice of South Africa, the Deputy Chief Justice and nine other judges.

(2) A matter before the Constitutional Court must be heard by at least eight judges.

(3) The Constitutional Court—

(a) is the highest court of the Republic; and

(b) may decide—

(i) constitutional matters; and

(ii) any other matter, if the Constitutional Court grants leave to appeal on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by that Court, and

(c) makes the final decision whether a matter is within its jurisdiction.

(4) Only the Constitutional Court may—

(a) decide disputes between organs of state in the national or provincial sphere concerning the constitutional status, powers or functions of any of those organs of state;

- (b) decide on the constitutionality of any parliamentary or provincial Bill, but may do so only in the circumstances anticipated in section 79 or 121;
 - (c) decide applications envisaged in section 80 or 122;
 - (d) decide on the constitutionality of any amendment to the Constitution;
 - (e) decide that Parliament or the President has failed to fulfil a constitutional obligation; or
 - (f) certify a provincial constitution in terms of section 144.
- (5) The Constitutional Court makes the final decision whether an Act of Parliament, a provincial Act or conduct of the President is constitutional, and must confirm any order of invalidity made by the Supreme Court of Appeal, the High Court of South Africa, or a court of similar status, before that order has any force.
- (6) National legislation or the rules of the Constitutional Court must allow a person, when it is in the interests of justice and with leave of the Constitutional Court—
- (a) to bring a matter directly to the Constitutional Court; or
 - (b) to appeal directly to the Constitutional Court from any other court.
- (7) A constitutional matter includes any issue involving the interpretation, protection or enforcement of the Constitution."

The Constitution of South Africa also provides for the **Supreme Court of Appeal** as the highest of court of appeal in all matters, except in constitutional matters and cases dealt with by the Constitutional Court. Currently, the Supreme Court of Appeal of South Africa is made up of **twenty-three judges**. There is no limit to the number of judges serving on the Supreme Court of Appeal of South Africa.

"Constitution and set of Supreme Court of Appeal

5. (1) (a) *The Supreme Court of Appeal consists of –*

- (i) *the President of the Supreme Court of Appeal;*
- (ii) *the Deputy President of the Supreme Court of Appeal; and*

(iii) so many other judges as may be determined in accordance with the prescribed criteria and approved by the President."

Kenya

The Constitution of Kenya, 2010, establishes and constitutes the Supreme Court. The Constitution fixes the number of Supreme Court judges at seven. Article 163 of the Constitution of Kenya provides as follows:

"Article 163 - Supreme Court

- (1) *There is established the Supreme Court, which shall consists of—*
 - (a) *the Chief Justice, who shall be the president of the court;*
 - (b) *the Deputy Chief Justice, who shall—*
 - (i) *deputise for the Chief Justice; and*
 - (ii) *be the vice-president of the court; and*
 - (c) *five other judges.*
- (2) *The Supreme Court shall be properly constituted for the purposes of its proceedings if it is composed of five judges."*

In accordance with article 163(3) of the Kenyan Constitution, the Supreme Court of Kenya has only two jurisdictions:

- (a) *exclusive jurisdiction to hear and determine disputes relating to the election of the President of Kenya; and*
- (b) *to serve as the highest court of appeal in Kenya.*

It would be noted that in respect of appeals, the Kenya Supreme Court, except in cases involving the interpretation of the Constitution, in accordance with article 163(4)(b), only exercises jurisdiction where either the Supreme Court or the Court of Appeal certifies that *"a matter of general public importance is involved"*.

The Kenya Supreme Court has no original jurisdiction in the interpretation of the Constitution, with same reserved for the High Court. An appeal against the decision of the Court of Appeal in a matter involving the interpretation or application of the Kenyan Constitution may however proceed as of right to the Supreme Court.

Therefore, unlike the United Kingdom, the United States of America, Canada, Kenya and South Africa, where the number of justices of the Supreme Court

is capped, the highest number of Justices of the Supreme Court of Ghana is not capped in either the Constitution or in the Courts Act, 1993 (Act 459). This gives discretion to the appointing authority to increase the appointment of Justices to the Supreme Court as the demands of the administration of justice require.

THE NEED FOR A REVIEW AND/OR CONTROL OF THE JURISDICTION OF THE SUPREME COURT

A careful study of relevant provisions of the Constitution, 1992 as well as the deliberate restriction of the jurisdiction of Supreme Courts in notable jurisdictions of the common law tradition, show that, in the long term, there ought to be a reform of the various jurisdictions conferred on Ghana's Supreme Court by the Constitution. The legal regime for an invocation of the jurisdiction of Ghana's Supreme Court is, by far, one of the most liberal, relaxed, and uncontrolled in the world.

It is noted that most Supreme Courts of the common law tradition exercise only an appellate jurisdiction, invoked pursuant to leave, which is granted in cases involving matters of public importance, or important questions of law or of both law and fact.

In Ghana, the constitutional stipulation in article 131(1) for appeals to lie from the Court of Appeal to the Supreme Court:

(a) as of right in a civil or criminal cause or matter in respect of which an appeal has been brought to the Court of Appeal from a judgment of the High Court or Regional Tribunal in the exercise of its original jurisdiction or

(b) with the leave of the Court of Appeal, in any other cause or matter, where the case was commenced in a court lower than the High Court or Regional Tribunal and where the Court of Appeal is satisfied that the case involves a substantial question of law or is in the public interest, substantially widens access to the Supreme Court in numerous cases with little or no restriction.

In the first place, all appeals from cases covered by article 131(1)(a) of the Constitution lie as of right to the Supreme Court. Further, the stipulation that appeals emanating from the lower courts may proceed to the Supreme Court only with the leave of the Court of Appeal provides no major limitation as the Court of Appeal invariably grants such requests. In any event, the restrictive effect of the condition in sub clause 1(b) of clause 1 of article 131 is negated

by clause 2 of article 131, which empowers the Supreme Court to entertain an application for special leave to appeal to the Supreme Court *in any cause or matter, civil or criminal, and to grant leave accordingly*, notwithstanding clause 1 of article 131.

The provisions referred to above, informed by the desire to grant virtually unlimited access to the Supreme Court for the benefit of Ghanaians, may be laudable as an ideal in constitutionalism. Unfortunately, however, they have resulted in the inundation of the Supreme Court, a phenomenon which impedes the efficient and effective delivery of justice by the highest court of the land.

This is compounded by the unlimited access of Ghanaians to the original jurisdiction of the Supreme Court under Article 2(1) as well as the exclusive appellate jurisdiction of the Supreme Court in cases from the National House of Chiefs and matters relating to the conviction or otherwise of a person for high treason or treason by the High Court.

Due regard must also be had to the original jurisdiction of the Supreme Court in cases involving a challenge to the validity of the election of the President of the Republic which in the year 2013 engaged nine Justices of the Supreme Court for 8 months.

The foregoing calls for an urgent constitutional amendment to limit access to the Supreme Court to ensure that the caseload in the nation's highest court conduces to efficiency. The proposed constitutional amendment would ensure that the Court of Appeal would be the final appellate court in most cases, and that the cases covered by the original jurisdiction of the Supreme Court should be subject to the leave of the Supreme Court in most cases. Even though the constitutional provisions on the jurisdiction of the Supreme Court are not entrenched, a bill for an amendment of same is required to comply with the elaborate procedure prescribed by article 291 of the Constitution.

Pending recourse to and compliance with the procedure for an amendment of the Constitution, I suggest the enactment of regulations by the Judiciary to govern the exercise of the multiplicity of jurisdictions conferred on the Supreme Court of Ghana. Through regulations, the Supreme Court can, within the constraints of the Constitution, restrict the threshold for the hearing of cases filed before it, especially appeals from the Court of Appeal to the Supreme Court. The prescription of a threshold for the hearing of any matter in respect of which jurisdiction has been conferred on the Court neither undermines the jurisdiction of the Court nor is unconstitutional.

CONCLUSION

In the light of the foregoing, it is respectfully submitted as follows:

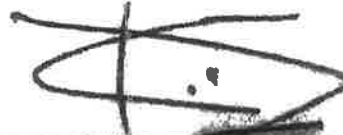
1. That, having regard to the relevant provisions of the Constitution, the determination of the number of Justices of the Supreme Court at any point in time would be a function of the administration of justice and the needs of the Court.
2. Given the breadth of the multiplicity of jurisdictions of the Supreme Court and the influx of cases at the Supreme Court, the request for the increase in the number of Justices serving on the Supreme Court from the conventional fifteen (in addition to the Chief Justice) to twenty, is not only constitutional but would ensure speedy and effective justice, minimise delays and unnecessary expense and conduce to the general efficient administration of the Supreme Court.
3. The performance of the functions of the Supreme Court would, in accordance with the Constitution, require differently constituted panels of the Supreme Court sitting at the same time. Understandably, the permutations in the constitution of the panels, almost simultaneously, could be daunting for effective and efficient work in the face of limited number of Justices at the Supreme Court, as the Court is incessantly inundated with cases.
4. The exponential increase in the backlog of 414 and 595 cases in 2021/2022 and 2022/2023 legal years in which there were the fewest number of Justices of the Supreme Court for the five-year period under review, provided scientific justification of the necessity to expand the number of Justices at the Supreme to stem the tide of the increasing backlog of cases. The enhancement of the membership of the Supreme Court to twenty, as requested in the brief by Her Ladyship the Chief Justice, is appropriate.
5. However, attention needs to be drawn to the fiscal implication on the public purse of any additional appointment of Justices to the Supreme Court. This is in view of the charge of emoluments payable to Justices of the Supreme Court on the Consolidated Fund.
6. The jurisdictions exercised by other Supreme Courts in notable countries in the Common Law tradition are relatively much narrower, in comparison

to the width of the multiple jurisdictions conferred on the Supreme Court of Ghana.

7. Ultimately, a constitutional amendment circumscribing the jurisdiction of the Supreme Court of Ghana, in the long term, is necessary, as stated above.
8. Therefore, unlike in Canada, the United Kingdom, Kenya and South Africa, where the number of justices of the Supreme Court is capped, the highest number of Justices of the Supreme Court of Ghana is not capped in the Constitution or in the Courts Act, 1993 (Act 459). This gives discretion to the appointing authority to increase the appointment of Justices to the Supreme Court subject to the demands of the needs of justice.

Please accept the assurances of my highest esteem.

Yours faithfully,



**GODFRED YEOAH DAME
THE ATTORNEY GENERAL
AND MINISTER FOR JUSTICE**

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EX 34

NATIONAL PRESIDENT: MRS. EFUA GHARTEY
NATIONAL SECRETARY: KWAKU GYAU BAFFOUR

8th May, 2024

Office of The President
Secretary to the President
Jubilee House
Accra

Attention: Nana Bediatuo Asante

Dear Sir,

**RE: BRIEF ON THE NEED FOR MINIMUM NUMBER OF TWENTY JUDGES ON
GHANA'S SUPREME COURT BENCH**

We acknowledge receipt of your letter on the above-mentioned subject matter, dated the 18th day of March, 2024, as well as the attachment to the said letter.

We have reviewed the attached brief from the Chief Justice on the subject matter under reference, and comment and suggest as follows:

1. That we agree with the request of the Chief Justice in principle;
2. That we are, however, of the humble and considered view that the Chief Justice's request should have been in respect of the need to increase the conventional number of Justices of the Supreme Court at present to twenty, as the Constitution, 1992, per Article 128(1) prescribes the minimum Justices of the Supreme Court to consist of the Chief Justice and a minimum of nine other Justices. Therefore, requesting that the minimum number of Justices of the Supreme Court should be twenty will require a constitutional amendment, which is not the intention of the brief from the Chief Justice;
3. That each of the Justices of the Supreme Court be given a well-resourced secretariat with a properly-stocked library, properly-trained and highly qualified and skillful clerks as well as research assistants and other secretarial staff;

4. That the Supreme Court should be automated so that there can be real time recording of the proceedings of the Supreme Court;
5. That there should be an upward review of the conventional number of Justices of the Supreme Court after every ten (10) years, if the instant request for an increment in the conventional number of sitting Justices of the Supreme Court to twenty is granted. This review, we humbly and respectfully suggest, should take into account among other factors, the workload at the Supreme Court at the time of the review; and
6. That the processes involving and leading to discussions relative to the Chief Justice's request of increasing the conventional number of Justices of the Supreme Court to twenty should involve major stakeholders such as the Council of State and the Parliament of the Republic.

Please accept the best wishes of the Ghana Bar Association.

Yours faithfully,



YAW ACHEAMPONG BOAFO ESQ.
PRESIDENT, GHANA BAR ASSOCIATION



REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

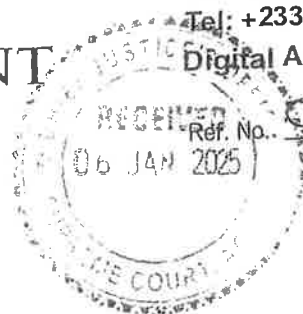
SECRETARY TO THE PRESIDENT

Jubilee House, Accra

Tel: +233 (0) 302 738 600

Tel: +233 (0) 302 738 601

Digital Address: GA-000-0288



3rd January, 2025

Dear Prof. Asare

**RE: PETITION FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE OF THE
REPUBLIC OF GHANA [HER LADYSHIP GERTRUDE SACEY TORKORNOO CJ]
PURSUANT TO THE PROVISIONS OF ARTICLE 146 OF THE 1992
CONSTITUTION OF THE REPUBLIC OF GHANA**

Reference is made to your petition received at the Office of the President on 18th December 2024, on the above subject.

I have been directed by the President of the Republic to forward to you, his determination, in consultation with the Council of State, on whether or not your petition invoking article 146 (6) of the Constitution for the removal of the Chief Justice discloses a prima facie case.

Please acknowledge receipt of this letter and the President's determination.

Yours sincerely,

**KOW ABAKA ESSUMAN, ESQ.
AG. SECRETARY TO THE PRESIDENT AND
LEGAL COUNSEL TO THE PRESIDENT**

**PROFESSOR STEPHEN KWAKU ASARE
P.O. BOX 12889
ACCRA-NORTH
Tel: 0263529907**

Email: Kwakuasare@gmail.com

THIS IS THE INSTRUMENT MARKED
AS EXHIBIT...
TO IN THE...
SWORN BEFORE ME THIS...
DAY OF...
COMMISSIONER FOR OAT

cc: The Vice President
Jubilee House, Accra

The Chief of Staff
Jubilee House, Accra

The Chief Justice
Supreme Court Buildings
Accra

The Chairperson
Council of State
State House, Accra

D. O. 11



REPUBLIC OF GHANA

3rd January, 2025

**RE: PETITION FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA [HER LADYSHIP GERTRUDE SACKEY
TORKORNOO CJ] PURSUANT TO THE PROVISIONS OF ARTICLE 146 OF
THE 1992 CONSTITUTION OF THE REPUBLIC OF GHANA**

DETERMINATION OF PRIMA FACIE CASE

By a letter, dated 17th December 2024, received officially at the Office of the President on 18th December 2024, signed by one Professor Stephen Kwaku Asare, a petition for the removal of the Chief Justice, Mrs. Justice Gertrude Sackey Torkornoo, CJ, was delivered to my office. The petition was unsupported by any exhibits or attachments.

Before proceeding with whether a prima facie case has been established, it is important that I comment on how the petition was submitted to my office. On the evening of 17th December, 2024, the attention of my office was drawn to a news publication that a petition to remove the Chief Justice had been lodged with me. Enquiries at the records office revealed that no such petition had been submitted. Further enquiries conducted on 18th December, 2024 revealed that the petition had been left in an envelope at the outer reception of the Office of the President without any indication as to what was contained therein. The person who submitted the envelope asked the receptionist for their name and telephone number and wrote the information obtained on the copy of the petition that found its way into the public domain on the evening of 17th December, 2024. It is instructive to note that the handwritten information on the copy of the petition circulated in the public domain stated that the petition, dated 17th December, 2024, was purportedly received at the Office of the President on "16/12/24", a day before the petition was prepared and signed.

The circulation of the petition on social media and in the public domain by the Petitioner or his agent or assign was a flagrant breach of the Constitution. As the Petitioner should be aware, proceedings under article 146 are to be held in camera. Article 146 (8) states:

All proceedings under this article shall be held in camera, and the Justice or Chairman against whom the petition is made is entitled to be heard



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in his defence by himself or by a lawyer or other expert of his choice."
The Supreme Court has held that all proceedings include the petition itself.

In **Agyei-Twum v. Attorney-General and Akwetey** [2005-2006] 732, the Supreme Court held that:

The constitutional requirement in article 146 (8) that the impeachment proceedings be held in camera would be defeated if the petitioner were allowed to publish his or her petition to anyone other than the President. Such publication was likely to lead to the petitioner's allegations being aired in public, while the judge's response could only be considered in private. That would lead to grave adverse public relations consequences for the Judiciary. The institution of the Judiciary could be undermined without any justification. Accordingly, a petitioner under article 146 might not disclose the contents of his or her petition to the media; nor, indeed, to any person other than the President. He or she might reveal the fact that he or she has presented a petition to the President, but not its contents, if the purpose of the framers of article 146 (8) of the 1992 Constitution was to be adhered to.

The Petitioner, a lawyer and a self-acclaimed advocate for good governance, breached this fundamental constitutional provision, which seeks to protect the integrity of the Judiciary, by circulating his petition in the media before the President, to whom the petition was addressed, had an opportunity to see it. Indeed, the Petitioner's actions betrayed a keen interest in resorting to public theatrics in a matter as serious as this and, by so doing, undermined the institution of the Judiciary, as this petition concerned no other person than the Chief Justice, without any justification whatsoever. There has not been a statement or any documentation from the Petitioner delivered to my office apologising for this patent breach of the Constitution.

It is noted that the Constitution neither provides any penalty for such unconstitutional disclosure nor affords any remedy available to a party affected by the unconstitutional disclosure. The Supreme Court in **His Lordship Justice Paul Uter Dery v. Tiger Eye P.I. and 2 Others** (4th February 2016) [Suit No. J1/29/2015] held that the breach of article 146 (8) amounted to a procedural infringement for which specific remedies may be available, but it does not truncate the proceedings. However, the Court identified five different modes of expressing disapproval with breach of the "in



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camera provisions", which the party affected by the petition (in this case, the Chief Justice) may consider against the Petitioner.

By a letter, dated 18th December, 2024, I consulted the Council of State, in accordance with the terms of article 146 (6) and the teachings of the Supreme Court in **Agyei-Twum v. Attorney-General and Another** [2005-2006] SCGLR 732, in determining whether the petition discloses a *prima facie* case against the Chief Justice, which determination may warrant the appointment of a committee under article 146 (6) of the Constitution.

By a letter, dated 2nd January, 2024, the Council of State conveyed to me its conclusions on the consultation as to whether a *prima facie* case has been established against the Chief Justice.

Accordingly, in consultation with the Council of State, I make this determination of whether a *prima facie* case has been established against the Chief Justice, Mrs. Justice Gertrude Sackey Torkornoo, to warrant the appointment of a committee under article 146 (6) of the Constitution to inquire into the petition.

Basis for *prima facie* determination

Article 146 of the Constitution provides the procedure for the removal of Justices of the Superior Courts of Judicature. It allows for a petition to be presented for the removal of a Justice of the Superior Court for "stated misbehaviour or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind".

Article 146 (3) and (4) require the President, on receipt of a petition for the removal of a Justice of a Superior Court other than the Chief Justice, to refer the petition to the Chief Justice, who shall, first, determine whether there is a *prima facie* case, before setting up a committee to investigate the complaint.

In the specific case of the removal of the Chief Justice, article 146 (6) stipulates:

Where the petition is for the removal of the Chief Justice, the President shall, acting in consultation with the Council of State, appoint a committee consisting of two Justices of the Supreme Court, one of whom shall be appointed chairman by the President, and three other



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persons who are not members of the Council of State, nor members of Parliament, nor lawyers.

It is noted that article 146 (6) of the Constitution does not expressly provide for a prior determination of a prima facie case by either the President or Council of State, before the President proceeds to appoint a committee in the manner stipulated to investigate the complaint. However, the Supreme Court has affirmed the necessity for the determination of a prima facie case in respect of a complaint against a Justice of the Superior Court to be extended to the Chief Justice in processes under article 146 (6). In **Agyei-Twum v. Attorney-General and Akwetey** [2005-2006] 732, the Supreme Court unanimously speaking through Dr. Date-Bah JSC, held at page 786, as follows:

"Fourth, I do, however, declare that upon a proper purposive construction of the whole of article 146 in the context of the 1992 Constitution viewed in its entirety, the Chief Justice must be given the benefit of a prior determination of whether a prima facie case had been established against him before the President may lawfully establish a committee to consider a petition for his removal. This prima facie determination is to be made by the President with the Council of State. Thus, as claimed in the plaintiff's fifth relief, the consultation by the President with the Council of State has to determine in respect of the appointment of a committee to inquire into a petition for the removal of a Chief Justice has to determine first whether the said petition discloses a prior prima facie, before the President may proceed to the appointment of the committee, again in consultation with the Council of State."

This decision of the Supreme Court, in the exercise of its exclusive jurisdiction to interpret the Constitution, is binding upon me.

Allegations of the Petitioner

The Petitioner alleges that the Chief Justice sought to increase the number of Justices on the Supreme Court, which, in the Petitioner's view, amounted to an attempt to amend the Constitution. Furthermore, the Petitioner claims that the Chief Justice failed to seek the advice of the Judicial Council when forwarding certain names to the



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President for consideration, asserting that this constituted misbehaviour and incompetence.

Additionally, the Petitioner accuses the Chief Justice of arbitrarily reconstituting judicial panels and transferring justices, thereby interfering with constituted panels. He alleges that the Chief Justice did not provide explanations or articulate any public interest reasons for these actions. Specific examples cited by the Petitioner include the Opuni trial and appeal, the Ablakwa case, and Republic v. Elisha Mahama and 2 Others.

The Petitioner further contends that the Chief Justice breached the Constitution by issuing Practice Directions and Administrative Guidelines, asserting that these actions usurped the authority of the Rules of Court Committee. Lastly, the Petitioner alleges that the Chief Justice's handling of the case, Daniel Ofori v. Ecobank, by assigning it to a single judge despite involving the same parties and issues, emboldened the presiding judge.

It must be emphasised that the Petitioner did not provide any evidence to substantiate the allegations contained in the petition.

Whether there is a prima facie case for removal of the Chief Justice, Her Ladyship Justice Gertrude Sackey Torkornoo

In determining whether there is a prima facie case for the removal of the Chief Justice, I consider the allegations contained in the petition in order to assess whether, on account of those allegations, a presumption of misbehaviour or incompetence by the Chief Justice has been established by the Petitioners to warrant the appointment of a committee by me to inquire into the petition. The essential question is, are the matters contained in the petition sufficient to establish misbehaviour or incompetence on the part of the Chief Justice as to warrant her removal from office, or do they raise a presumption which, if not rebutted, will be sufficient to constitute misbehaviour or incompetence resulting in the removal of the Chief Justice?

The 2nd Edition of Black's Law Dictionary defines *prima facie* as:

At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably. A litigating party is said to have a prima facie case when the evidence in his favor is sufficiently strong for his opponent to be called on to answer it. **A prima facie**

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case, then, is one which is established by sufficient evidence, and can be overthrown only by rebutting evidence adduced on the other side. In some cases, the only question to be considered is whether there is a *prima facie* case or no. [Emphasis added.]

It is, thus, clear from the above that implicit in the determination of a *prima facie* case is the necessity for a party (the complainant, petitioner or plaintiff, as the case may be), to produce enough evidence or facts to allow the adjudicator to make such determination in his favour. A complainant, petitioner or plaintiff bears the burden to advance facts based on which the adjudicator or person exercising a quasi-judicial function will hold that a presumption of wrongdoing has been raised in his petition against the one named as respondent to the proceedings in question in respect of the subject matter of the inquiry.

In discharging my duty enjoined by the combined effect of article 146 (3), (4) and (6) of the Constitution, and as held by the Supreme Court in **Agyei-Twum v. Attorney-General and Akwetey** (supra), I will confine myself solely to assessing whether, assuming the allegations of the Petitioner as expressed in the petition were factually accurate, a presumption of misbehaviour as stated or incompetence, has been established against the Chief Justice to warrant her removal from office.

The Petitioner states in paragraph 2 that the petition focuses on stated misbehaviour and incompetence related to the Chief Justice's administrative functions as head of the Judiciary responsible for its supervision and administration under article 125 (4) of the Constitution. The Petitioner then sets out the basis for his petition, which are (a) the recommendation to increase the number of Supreme Court Justices, (b) the reconstitution of panels and transfer of Justices, (c) the issuance of practice directions and administrative guidelines, and (d) placing the hearing of cases involving the same parties before the same High Court in a dispute between Daniel Ofori and Ecobank.

Recommendation to increase the number of Supreme Court Justices

The Petitioner's allegation that the Chief Justice seeks to amend the Constitution to increase the minimum number of Justices on the Supreme Court is completely misplaced and founded on an erroneous understanding of both the facts leading to the recommendation made by the Chief Justice and the constitutional provisions on the subject. At no point has the Chief Justice suggested increasing the minimum number of Justices on the Supreme Court. It is important to note that the effect of

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the letter written by the Chief Justice to the President was to rather increase the number of Justices of the Supreme Court from the conventional, not fewer than fifteen Justices to twenty Justices. The question of an amendment of the Constitution to increase the number of Justices services on the Supreme Court from the "conventional not fewer than fifteen to twenty Justices" does not arise, contrary to the contention of the petitioner, since the Constitution does not stipulate an upper limit for the number of Justices that may serve on the Supreme Court. Indeed, the Chief Justice did not request an amendment to the Constitution.

The Petitioner would have obtained the answers he seeks through his petition if he had written to the Chief Justice for an understanding of the processes leading up to the recommendation made by the Chief Justice. To commence the serious business of removing a Chief Justice on a lack of knowledge of the processes leading to the recommendation to increase the number of Justices on the Supreme Court is very unfortunate.

Furthermore, the Petitioner attaches no evidence whatsoever in support of this allegation but instead, paragraphs 17 and 19 state that he has reliable information. He fails to state the source of the information and does not provide any evidence to support the information he claims he has. Should this be allowed to stand, it will open the floodgate for hearsay to form the foundation and basis for removing a Chief Justice from office. Indeed, the Petitioner is not a member of the Judicial Council and has not provided any information as to any sources he has within the Judicial Council to substantiate, at the very least, the allegations of matters he recites as having taken place at meetings of the Judicial Council. I am, thus, unable to accept those facts in support of the allegations made by the Petitioner.

The appointment of Supreme Court Justices is clearly spelt out in the Constitution. The appointment is made by the President acting on the advice of the Judicial Council, in consultation with the Council of State and with the approval of Parliament. In November 2023, the Chief Justice, in her capacity as head of the Judiciary, responsible for the administration and supervision of the Judiciary, drew my attention to the large backlog of cases at the Supreme Court, which was making the Court inefficient and ineffective leaving many cases unheard and undecided. She informed me of the sensitisation she had undertaken with the current Justices of the Supreme Court, the Judicial Council and the Speaker of Parliament. I requested a brief to justify the increase, which she submitted in a letter dated 7th February, 2024. There was no

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indication of an intention to amend the Constitution in the brief. The contentions of the Petitioner are clearly bizarre.

Upon receipt of the brief, I sought the views of the Attorney-General and the Ghana Bar Association. The Attorney-General gave his opinion, concurring with the recommendations of the Chief Justice. The President of the Ghana Bar Association also gave his opinion and made some suggestions.

The Supreme Court in **Ghana Bar Association and Others v. Attorney-General and Another** [20th July, 2016; Consolidated Writs JI/26/2015, JI/21/2015, JI/22/2015] was very clear that:

Whilst the President is mandated to seek the advice of the Judicial Council, and consult with the Council of State in the appointment process of Supreme Court Judges with the approval of Parliament, those advisory opinions are not binding on the President. He is entitled to disregard the advice, but he can also not appoint any person who has not gone through the three tier process of recommendation, i.e. Judicial Council, Council of State and Parliamentary approval.

Furthermore, the Supreme Court affirmed the practice of nominating justices to the Supreme Court. The Court held as follows:

That Practice is that nominations for appointment to the Supreme Court come mainly from the Attorney-General, the Ghana Bar Association and the Chief Justice and the Judicial Council sends their recommendations on successful candidates to the President, who then pursues the process to completion.

Thus, there is nothing irregular or unlawful in the Chief Justice making a suggestion about potential nominees to the Supreme Court. I could only follow through the appointment processes if I received advice from the Judicial Council on the nominations submitted to it per the practice stated in the **Ghana Bar Association and Others v. Attorney-General and Another** [supra]. No provision of the Constitution or law has been breached. The Petitioner has failed to establish any misbehaviour or incompetence on the part of the Chief Justice to warrant her removal from office under this charge. Accordingly, this allegation is without any basis and is therefore dismissed.



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Reconstitution of panels and transfer of justices

The Petitioner's allegation of reconstitution of panels and transfer of justices is based on "*reported incidences*". The Petitioner states in paragraph 24 that "*There have been reported incidences of the Chief Justice's direct interference with duly constituted panels with no explanations or public interest reasons for so doing.*" The Petitioner fails to submit any evidence to support this allegation. He also fails to demonstrate the source of these "*reported incidences*". Who reported them? Where were they reported? These alleged reported incidences cannot even be treated as hearsay evidence. At best, they are conjecture and speculation, which have no place in a petition to remove a Chief Justice from office.

While the Petitioner's alleged "*reported incidences*" are nothing but conjecture and speculation, they also reveal a lack of appreciation of the administrative responsibilities of the Chief Justice. Again, reading the law or a letter to the Chief Justice by the Petitioner would have enlightened him on these administrative responsibilities, which are well supported by legislation.

The **Courts Act, 1993 (Act 459)** assigns statutory duties to the Chief Justice for managing the work of the courts through the transfer of judges and cases. Section 104 of the Courts Act provides as follows:

Section 104—Power to Transfer by the Chief Justice.

- (1) *Subject to the provisions of the Constitution, the Chief Justice may by order under his hand transfer a case at any stage of the proceedings from any Judge or Magistrate to any other Judge or Magistrate and from one court to another court of competent jurisdiction at any time or stage of the proceedings and either with or without an application from any of the parties to the proceedings.[As amended by the Courts (Amendment) Act, 2002 (Act 620), sch. to s.7]*
- (2) *The order may be general or special and shall state the nature and extent of the transfer and in any case of urgency the power of transfer may be exercised by means of a telegraphic, telephonic or electronic communication from the Chief Justice.*

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- (3) *A transfer of a case made by telegraph telephone or electronic communication and not confirmed immediately by order signed and sealed in a manner specified by the Chief Justice or any other person authorised in that behalf by him shall be of no effect.*

The power granted to the Chief Justice to transfer cases may be exercised at any time or stage of the proceedings. It may be by a general or special order and shall state the nature and extent of the transfer. There is no obligation on the Chief Justice to provide any reasons for exercising this power. Indeed, section 104 (3) makes it clear that a transfer will be of no effect if it is communicated by telegraph, telephone or electronic communication and is not confirmed by an order signed by the Chief Justice. The demand by the Petitioner that the Chief Justice provide reasons for the transfers she makes in exercising her power under section 104 of the Courts Act is not supported by law or any policy. Same is rather in violation of the clear stipulations of both the Constitution and the Courts Act.

On the matter of reconstitution of panels to hear cases, the Chief Justice has the responsibility to constitute appellate panels and reconstitute a panel if the need arises. The constitution of panels by the Chief Justice ensures that work is distributed evenly among the justices. Other factors that the Chief Justice considers include gender balance and the availability of judges.

~~The examples cited by the Petitioner as the basis for this charge against the Chief Justice show a complete misapprehension of the legal position regarding the transfer of judges and the reconstitution of panels. They also reveal that the charge is based on conjecture and speculation, which I cannot entertain in such a petition. This charge is accordingly dismissed.~~

Issuance of Practice Directions and Administrative Guidelines

The Petitioner's allegation is that the Chief Justice has usurped the Rules of Court Committee's functions by issuing Practice Directions and Administrative Guidelines. He argues that the issuance of these documents is unconstitutional. Practice Directions have been part of the tools the courts use to administer justice. They are derived from well-known practices of the courts and are issued to bring consistency and certainty to procedures known to the courts that are yet to be set out in writing in the Court's rules. Order 82 (1) of the **High Court (Civil Procedure) Rules, 2004 (C.I. 47)** provides as follows:

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Where in respect of any matter of procedure, no provision is made by these Rules, the practice for the time being in force in any common law country may where convenient, be applied.

Furthermore, the **High Court (Civil Procedure) (Amendment) Rules 2019 (C.I. 122)** regarding electronic service of court processes empowers the Chief Justice to issue Practice Directions on how processes may be served electronically. There are many examples of Practice Directions issued over the years that have aided the courts in administering justice.

Concerning the assertion that the issuance of Administrative Guidelines contravenes article 159 of the Constitution, which authorises the Chief Justice to act in accordance with the advice of the Judicial Council and with the approval of the President to formulate regulations for the efficient operation of the Judicial Service and the Judicial Council, it is important to recognise that Article 159 pertains to Regulations for the administration of the Judicial Service as an institution and the Judicial Council as a constitutional body. Furthermore, Article 159 does not pertain to the Administrative Guidelines issued by Chief Justices for the effective management of court registry activities carried out within the framework of judicial delivery.

On this charge, it is determined that no misconduct or incompetence has been attributed to the Chief Justice. Instead, it is evident that the Petitioner has displayed a profound misunderstanding of the well-established practices of the courts and the Chief Justice's role in ensuring the effective management of justice delivery.

Placing the hearing of cases involving the same parties before the same High Court in a dispute between Daniel Ofori and Ecobank.

The Petitioner's allegation is that the Chief Justice caused cases involving the same parties to be placed before one High Court Justice, which emboldened the judge to make certain decisions. In paragraph 60 of the petition, the Petitioner states, "*There can be no doubt whatsoever that the Chief Justice is the reason for the seeming boldness of the High Court Judge whose attention having been drawn to the Supreme Court's ruling that the High Court's earlier ruling could not affect the Supreme Court ruling still went ahead to brazenly and purportedly stay the Supreme Court ruling.*" The Petitioner has not stated whether or not he is a party in the dispute, nor has he made any statement that he is counsel representing any of the parties in the dispute.



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Furthermore, the Petitioner, like all the other charges contained in his petition, has not provided a single shred of evidence to support this allegation he makes.

If the parties in this matter are aggrieved by the High Court's decision, they have various legal remedies available. However, such remedies do not include the engagement of a so-called advocate purporting to represent good governance in submitting a petition for the removal of the Chief Justice. This practice is, in fact, extraneous to established legal practice and fundamentally incompatible with the principles of good governance.

Reading the charge and the alleged supporting facts clearly indicates that this charge, like the other charges in the petition, relies on conjecture and speculation. More so, when the Petitioner himself has no personal knowledge of the matters that he complains about. A very dangerous precedent would be set if conjecture and speculation based on rumours were allowed to form the basis upon which the Chief Justice of the Republic could be removed. Such actions would undermine the integrity and independence of the Judiciary, erode public confidence in the rule of law, and open the door to arbitrary and unwarranted attacks on the highest judicial office in the land.

Placing cases involving the same parties before one judge instead of different judges is a long-standing policy for dealing with multiple cases between the same parties which relate to the same or similar subject matter. It is for this reason that Order 1 Rule 1 (2) of the **High Court (Civil Procedure) Rules, 2004 (C.I. 47)** provides as follows:

These Rules shall be interpreted and applied so as to achieve speedy and effective justice, avoid delays and unnecessary expense, and ensure that as far as possible, all matters in dispute between parties may be completely, effectively and finally determined and multiplicity of proceedings concerning any or such matters avoided.

The Chief Justice followed the Rules to ensure a complete, effective and final determination of all matters between the parties and avoid multiple proceedings. I, therefore, find no misbehaviour or incompetence on the part of the Chief Justice on this charge to warrant further inquiry into the petition.



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Applying my mind to the demands of the task before me, I have no hesitation in finding that the Petitioner's complaint does not disclose a *prima facie* case for further action under article 146 (6) of the Constitution.

The Supreme Court in **Agyei-Twum v. Attorney-General and Akwetey** (supra), held per Prof. Ocran JSC at page 797, that:

... the whole of article 146 is in the nature of impeachment proceedings; and this recognition or insight should inform the nature, if not the form, of the document put out as a petition... Without attempting to evaluate the merits of the substantive complaints, it is distressing to note that nearly all of them consist of second and third generation allegations against the Chief Justice. Very little emanates from the personal knowledge of the petitioner, nor is there an express showing that the events being recounted by him as the basis for the removal process were disclosed or narrated by him by the victims of aggrieved judges in the context of lawyer-client relationship. The narration of the events sounds very much like the sort of things that anyone could pick up from the rumour mill.

Prof Ocran JSC, at page 802, gave the following admonition:

There is the need to insulate the Chief Justice from frivolous petitions while insisting on transparency and accountability in the exercise of his functions.

The Council of State, in its letter, dated 2nd January, 2025, conveying its conclusions on the consultation with me on the petition, observed that the Petitioner did not seem to have a clear understanding of the laws and rules governing the administration of justice and the peculiar role and powers given to the Chief Justice for the proper administration of the judicial service. The Council concluded firmly that the petition for the removal of the Chief Justice, Her Ladyship Gertrude Sackey Torkornoo, does not disclose any facts of wrongdoing and, therefore, no *prima facie* case had been made upon which the Council could make a recommendation for an investigation to be conducted. The Council advised me to dismiss the petition as being frivolous and vexatious.

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On the strength of all of the above, I find that no *prima facie* case is disclosed by the instant petition for the removal of the Chief Justice. The petition is devoid of any basis warranting the setting up of a committee under article 146 (6). To entertain further proceedings on the basis of conjecture, speculation and misunderstanding of legal principles and well-established practices, as the petition is replete with, will violate legally acceptable standards of fairness.

Date-Bah JSC, author of the lead judgment in **Agyei-Twum v. Attorney-General and Akwetey** (supra), on the issue of the handling of petitions which do not meet the threshold of article 146, expressed himself thus:

...Once any petition, no matter how frivolous its contents are, is presented to the President, then he has a duty to establish a committee to consider it. A literal reading of the provision, therefore, could lead to the floodgates being opened for frivolous and vexatious petitions being continuously filed against a serving Chief Justice, with two Supreme Court judges being perpetually tied down to hearing such petitions, alongside the other members of the committee that the President has to appoint. This is a scenario that would weaken the efficacy of the top echelon of the Judiciary.

It is obvious from the above that the Supreme Court, in interpreting article 146 (6), had in mind unmeritorious and unwarranted petitions such as the instant one. The petition is dismissed accordingly.

NANA ADDO DANKWA AKUFO-ADDO
PRESIDENT OF THE REPUBLIC



REPUBLIC OF GHANA

MINISTRY OF FINANCE

In case of reply, the
number and date of this
letter should be quoted
Our Ref: BD/CMU/12/20/SAL.
Your Ref:
Tel No:

11th DECEMBER, 2020

REVISION OF RATES OF FOREIGN TRAVEL ALLOWANCES AND CLASSES OF AIR TRAVEL BY PUBLIC SERVICE OFFICE HOLDERS

1. Pursuant to the mandate given by the Public Services Joint Standing Negotiating Committee (PSJSNC) and following acceptance of the recommendations of the Inter-Ministerial Committee on Foreign Travel Allowances and Classes of Air Travel by Public Service Office Holders, approval is hereby given for implementation of the revised rates hereby attached as 'Appendix B'.
2. The effective date of implementation is 1st January, 2021.
3. By this approval, all other rates, hitherto, applied by institutions cease to exist.
4. Heads of Ministries, Government Departments and Agencies are, to ensure strict adherence to the Administrative Instructions in the processing and payment of Foreign Travel Allowances and Classes of Air Travel to Office Holders in the Public Service.
5. Please treat as urgent.



YESADU BOAHEN
DEPUTY MINISTER
FOR: MINISTER

ALL CHIEF DIRECTORS
ALL REGIONAL CO-ORDINATING DIRECTORS
ALL DISTRICT CO-ORDINATING DIRECTORS
THE CONTROLLER AND ACCOUNTANT-GENERAL
THE AUDITOR-GENERAL

THIS IS THE INSTRUMENT MADE
AS EXHIBIT REFERRED
TO IN THE DAVID
SWORN BEFORE ME THIS
DAY OF
COMMISSIONER FOR OAT

CC: The Hon. Minister, MOF
All Sector Ministers
All Regional Ministers
The Hon. Deputy Ministers, MOF
The Director of Budget, MOF
The Chairman, PSC
The Chief Executive, FWSC

APPENDIX B

ALL-INCLUSIVE ALLOWANCES FOR PERSONS ATTENDING CONFERENCES/ SEMINARS ABROAD

EFFECTIVE: JANUARY 1, 2021

NO	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
		RATES (US\$)				
1	Afghanistan	327	443	493	553	603
2	Albania	382	508	558	625	675
3	Algeria	378	504	554	621	671
4	Andorra	370	494	544	610	660
5	Angola	380	506	556	623	673
6	Antigua	458	611	661	727	777
7	Argentina	332	443	493	559	609
8	Armenia	453	593	643	720	770
9	Australia	422	556	606	678	728
10	Austria	375	501	551	616	666
11	Azerbaijan	453	593	643	720	770
12	Bahamas	398	528	578	647	697
13	Bahrain	519	679	729	808	858
14	Bangladesh	437	576	626	698	748
15	Barbados	423	558	608	681	731
16	Belgium	362	484	534	599	649
17	Belize	397	526	576	645	695
18	Benin	338	456	506	567	617
19	Bermuda	413	546	596	667	717
20	Bhutan	341	459	509	571	621
21	Bolivia	327	442	492	552	602
22	Bosnia	367	490	540	605	655
23	Botswana	358	483	533	596	646
24	Brazil	377	502	552	618	668
25	British Virgin Island	403	534	584	654	704
26	Brunei	426	550	600	684	734
27	Bulgaria	372	498	548	603	653
28	Burkina Faso	330	446	496	556	606
29	Burundi	467	610	660	738	788
30	Belarus	422	556	606	657	707
31	Cambodia	327	443	493	553	603

HIGH DEPUTY MINISTER
GENERAL PLANNING



APPENDIX B

ALL-INCLUSIVE ALLOWANCES FOR PERSONS ATTENDING CONFERENCES/ SEMINARS ABROAD

EFFECTIVE: JANUARY 1, 2021

IO	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
		RATES (US\$)				
32	Cameroon	380	506	556	625	675
33	Canada	373	498	548	614	664
34	Cape Verde	333	450	500	561	611
35	Cayman Islands	490	638	688	769	819
36	Central African Republic	345	464	514	576	626
37	Chad	342	460	510	572	622
38	Chile	380	506	556	623	673
39	China	407	539	589	659	709
40	Colombia	423	558	608	677	727
41	Comoro Islands	350	470	520	583	633
42	Cook Islands	338	456	506	567	617
43	Costa Rica	388	516	566	634	684
44	Cote D'Ivoire	368	492	542	607	657
45	Croatia	367	490	540	605	655
46	Cuba	377	502	552	618	668
47	Cyprus	389	516	566	634	684
48	Czech Republic	348	468	518	581	631
49	Dem. Repulic of Congo	472	616	666	745	795
50	Denmark	372	496	546	612	662
51	Djibouti	472	628	678	758	808
52	Dominica	380	506	556	623	673
53	Dominican Republic	375	502	552	618	668
54	Ecuador	328	444	494	554	604
55	Egypt	428	564	614	687	737
56	El Salvador	322	436	486	545	595
57	Equatorial Guinea	388	516	566	634	684
58	Eritrea	332	448	498	559	609
59	Estonia	422	556	606	678	728
60	Eswatini	347	466	516	579	629
61	Ethiopia	332	448	498	559	609
62	Fiji	421	555	605	677	727

APPENDIX B
ALL-INCLUSIVE ALLOWANCES FOR PERSONS
ATTENDING CONFERENCES/ SEMINARS ABROAD

EFFECTIVE: JANUARY 1, 2021

NO	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
		RATES (US\$)				
63	Finland	363	486	536	601	651
64	France	385	488	538	603	653
65	French Gulana	313	426	476	534	584
66	Gabon	422	556	606	678	728
67	Gambia	337	454	504	565	615
68	Georgia	370	494	544	610	660
69	Germany	382	508	558	625	675
70	Greece	322	436	486	546	595
71	Grenada	432	568	618	692	742
72	Guadeloupe	303	414	464	521	571
73	Guam	425	560	610	683	733
74	Guatemala	380	506	556	623	673
75	Guinea	483	630	680	760	810
76	Guinea Bissau	363	486	536	601	651
77	Guyana	452	592	642	718	768
78	Haiti	350	470	520	583	633
79	Honduras	375	500	550	616	666
80	Hong Kong	618	792	842	939	989
81	Hungary	355	476	526	590	640
82	Iceland	295	404	454	510	560
83	India	426	561	611	684	734
84	Indonesia	506	657	707	790	840
85	Iran	525	680	730	815	865
86	Iraq	514	667	717	801	851
87	Ireland	383	510	560	627	677
88	Israel	458	600	650	727	777
89	Italy	387	514	564	632	682
90	Jamaica	370	494	544	610	660
91	Japan	543	702	752	840	890
92	Jordan	458	600	650	727	777
93	Kazakhstan	453	593	643	720	770

APPENDIX B
ALL-INCLUSIVE ALLOWANCES FOR PERSONS
ATTENDING CONFERENCES/ SEMINARS ABROAD
EFFECTIVE: JANUARY 1, 2021

ATTENDING OFFICIALS						
EFFECTIVE: JANUARY 1, 2021						
O	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
				510	589	639
94	Kenya	342	460	524	587	637
95	Kiribati	353	474	540	605	655
96	Kosovo	367	490	643	720	770
97	Kyrgyzstan	453	593	738	854	904
98	Kuwait	554	688	682	762	812
99	Lao Republic	485	632	606	678	728
100	Latvia	422	556	864	964	1,014
101	Lebanon	637	814	522	585	635
102	Lesotho	352	472	600	672	722
103	Liberia	417	550	546	612	662
104	Libya	372	496	551	616	666
105	Liechtenstein	375	501	606	678	728
106	Lithuania	422	556	564	632	682
107	Luxemburg	387	514	563	631	681
108	Macao	386	513	540	605	655
109	Macedonia	367	490	510	572	622
110	Madagascar	342	460	562	630	680
111	Malawi	385	512	781	872	922
112	Malaysia	567	731	618	691	741
113	Maldives	431	568	546	612	662
114	Mali	372	496	508	570	620
115	Malta	340	458	524	587	637
116	Marshall Islands	353	474	458	514	564
117	Martinique	298	408	558	625	675
118	Mauritania	382	508	510	572	622
119	Mauritius	342	460	468	525	575
120	Mexico	307	418	524	587	637
121	Micronesia	353	474	516	579	629
122	Monaco	347	466	643	720	770
123	Mongolia	453	593	628	703	753
124	Montserrat	440	578			

APPENDIX B
ALL-INCLUSIVE ALLOWANCES FOR PERSONS
ATTENDING CONFERENCES/ SEMINARS ABROAD
EFFECTIVE: JANUARY 1, 2021

NO	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
		RATES (US\$)				
125	Montenegro	367	490	540	605	655
126	Morocco	323	438	488	548	598
127	Mozambique	397	526	576	645	695
128	Myanmar	375	500	550	617	667
129	Namibia	358	483	533	596	646
130	Nauru	345	464	514	576	626
131	Nepal	375	500	550	617	667
132	Netherlands	593	762	812	907	957
133	New Caledonia	345	464	514	576	626
134	New Zealand	377	502	552	618	668
135	Nicaragua	380	506	556	623	673
136	Niger	337	454	504	565	615
137	Nigeria	438	576	626	700	750
138	Niue Island	305	416	466	523	573
139	North Korea	490	638	688	769	819
140	North Macedonia	367	490	540	605	655
141	Norway	435	572	622	696	746
142	Oman	637	814	864	964	1,014
143	Pakistan	445	584	634	709	759
144	Palau Islands	373	498	548	614	664
145	Panama	377	502	552	618	668
146	Papua New Guinea	442	580	630	705	755
147	Paraguay	353	474	524	587	637
148	Peru	387	514	564	632	682
149	Philippines	447	587	637	712	762
150	Poland	405	536	586	656	706
151	Portugal	312	424	474	532	582
152	Puerto Rico	342	460	510	572	622
153	Qatar	586	753	803	897	947
154	Rep. of Congo	432	568	618	692	742
155	Rep of Moldova	370	494	544	610	660

APPENDIX B
ALL-INCLUSIVE ALLOWANCES FOR PERSONS
ATTENDING CONFERENCES/ SEMINARS ABROAD
EFFECTIVE: JANUARY 1, 2021

NO	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
		RATES (US\$)				
156	Reunion	355	476	526	590	640
157	Romania	370	494	544	610	660
158	Russia	422	556	606	678	728
159	Rwanda	403	534	584	654	704
160	Samoa	378	504	554	621	671
161	San Marino	387	514	564	632	682
162	Sao Tome and Principe	348	468	518	581	631
163	Saudi Arabia	685	872	922	1,025	1,075
164	Senegal	382	508	558	625	675
165	Serbia	367	490	540	605	655
166	Seychelles	422	556	606	678	728
167	Sierra Leone	320	434	484	543	593
168	Singapore	533	689	739	826	876
169	Slovakia	348	468	518	581	631
170	Slovenia	367	490	540	605	655
171	Solomon Islands	367	490	540	605	655
172	Somalia	322	436	486	545	595
173	South Africa	395	524	574	643	693
174	South Korea	485	631	681	870	920
175	South Sudan	413	546	596	667	717
176	Spain	370	494	544	610	660
177	Sri Lanka	447	574	624	712	762
178	St. Helena	298	408	458	514	564
179	St. Kitts-Nevis-Anguilla	410	542	592	663	713
180	St. Lucia	440	578	628	703	753
181	St. Vincent	373	498	548	614	664
182	Sudan	413	546	596	667	717
183	Suriname	365	488	538	603	653
184	Sweden	348	468	518	580	630
185	Switzerland	375	500	550	616	666
186	Syria	437	574	624	698	748

NON DEPUTY MINISTER

FOR ACCOUNTING



APPENDIX B

ALL-INCLUSIVE ALLOWANCES FOR PERSONS ATTENDING CONFERENCES/ SEMINARS ABROAD

EFFECTIVE: JANUARY 1, 2021

NO	COUNTRY	PRINCIPAL & BELOW	DIRECTOR	CHIEF DIRECTOR	DEPUTY MINISTER	MINISTER
		RATES (US\$)				
187	Tahiti	375	500	550	616	666
188	Tajikistan	327	443	493	553	603
189	Taiwan	418	552	602	673	723
190	Tanzania	385	512	562	630	680
191	Thailand	485	632	682	762	812
192	Timo Leste	442	580	630	705	765
193	Togo	347	466	516	579	629
194	Tonga	353	474	524	587	637
195	Trinidad & Tobago	445	584	634	709	759
196	Pacific	390	518	568	636	686
197	Tunisia	348	468	518	581	631
198	Turkey	453	593	643	720	770
199	Turkmenistan	453	593	643	720	770
200	Turks & Caicos Islands	400	530	580	650	700
201	Tuvalu Island	397	526	576	645	695
202	U.S. Virgin Islands	317	430	480	539	589
203	Uganda	335	452	502	563	613
204	Ukraine	422	556	606	678	728
205	United Arab Emirates	642	820	870	971	1,021
206	United Kingdom	442	580	630	705	765
207	United States of America	413	546	596	667	717
208	Uruguay	355	478	528	590	640
209	Uzbekistan	453	593	643	720	770
210	Vanuatu	479	625	675	755	805
211	Venezuela	432	568	618	692	742
212	Vietnam	386	513	563	631	681
213	Wallis & Futuna Island	285	392	442	496	546
214	Yemen	551	712	762	851	901
215	Zambia	400	530	580	650	700
216	Zimbabwe	340	458	508	570	620
217	All other countries	250	350	400	450	500



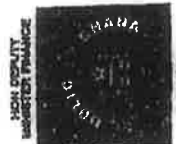
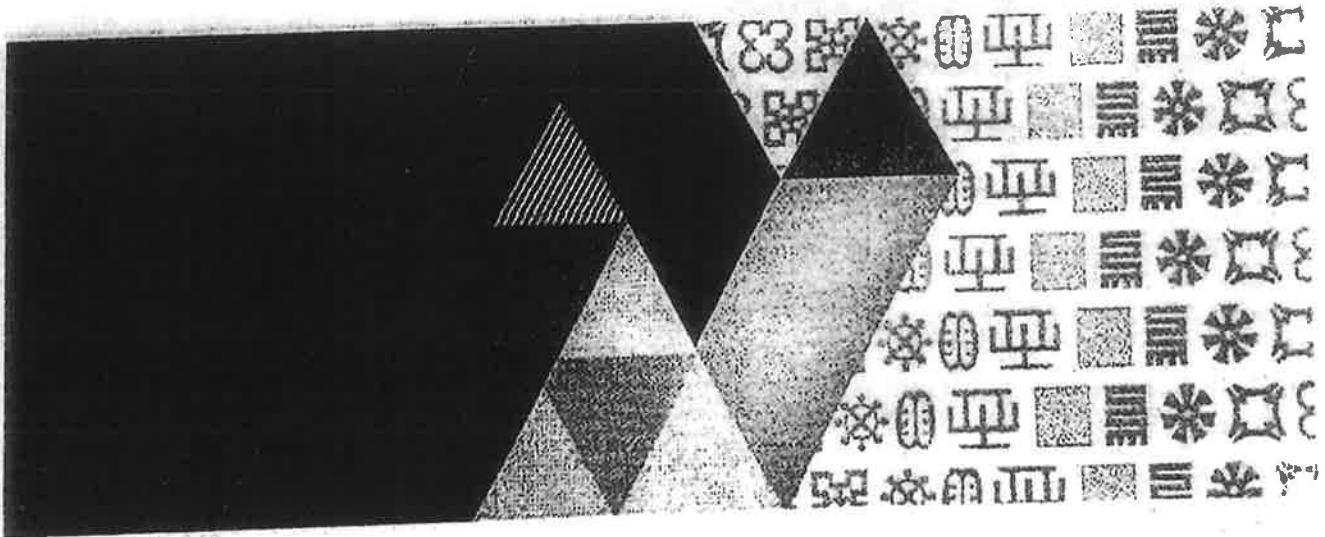


REPUBLIC OF GHANA

MINISTRY OF FINANCE

ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

NOVEMBER, 2020



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FINAL VERSION

Ministry of Finance: Professional, Ethical, Efficient, Responsive – Transforming Ghana Beyond Aid

ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

ACRONYMS

CHRAJ	Commission on Human Rights and Administrative Justice
DACF	District Assemblies Common Fund
EC	Electoral Commission
FTAs	Foreign Travel Allowances
FWSC	Fair Wages and Salaries Commission
GOG	Government of Ghana
LC	Lands Commission
MDAs	Ministries, Departments and Agencies
MMDCEs	Metropolitan, Municipal and District Chief Executives
MP	Member of Parliament
NCCE	National Commission for Civic Education
NCTE	National Council for Tertiary Education
NMC	National Media Commission
PSC	Public Services Commission
PSJSNC	Public Services Joint Standing Negotiating Committee
SSPP	Single Spine Pay Policy



ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

1.0 Introduction

This document sets out the Administrative Guidelines for the implementation of approved Foreign Travel Allowances and Classes of Air Travel for various categories of public service officeholders.

2.0 Background

- 2.1 The Government White Paper on the implementation of the Single Spine Pay Policy, issued in November 2009, recommended the harmonization and standardization of Categories 2 and 3 Allowances.
- 2.2 Twenty-two (22) of these allowances were harmonized and standardized by the Public Services Joint Standing Negotiating Committee (PSJSNC) and approved by the Ministry of Finance in September 2015. The implementation took effect from 1st January, 2016 and was reviewed in 2019. PSJSNC is a committee with membership from Government and Organised Labour that negotiate salaries and allowances for public service workers.
- 2.3 However, Foreign Travel Allowances, which are also part of Categories 2 and 3 Allowances were referred to the Ministry of Finance by the PSJSNC for determination and approval. Consequently, the Ministry of Finance constituted an inter-sectoral Committee that worked on the allowances and submitted their recommendations for consideration. The recommendations took into consideration the Foreign Travel Allowances approved in 1983 and the earlier attempt by the Ministry of Foreign Affairs and Regional Integration on the subject.
- 2.4 Following the approval by Cabinet of the new rates for Foreign Travel Allowances and Classes of Air Travel by public service officeholders, the Ministry of Finance in collaboration with the Ministry of Foreign Affairs and Regional Integration and Fair Wages and Salaries Commission (FWSC) have put together these Administrative Guidelines to guide their implementation.

3.0 Categories of Public Service Officeholders

The guidelines set out on Foreign Travel Allowances and Classes of Air Travel shall cover the following categories of public service officeholders:



ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

CATEGORIES OF OFFICE HOLDERS TO BE PAID TRAVEL ALLOWANCES				ANNEX 3
A	B1	B2	C	
ARTICLE 71 RELATIVITY 100- PRESIDENT	ARTICLE 71 RELATIVITY 72- AUDITOR-GENERAL, FULL-TIME CHAIRPERSON OF EC/CHRAJ/PSC/ LC/NCCE, FULL-TIME COMMISSIONER OF CHRAJ, ADMINISTRATOR OF DACF, CABINET MINISTER (MP)	ARTICLE 71 RELATIVITY 59 - FULL-TIME MEMBER OF NCCE/ PSC	OFFICE HOLDERS ON SINGLE SPINE GRADE SSG LEVEL 22 AND BELOW AND ITS ANALOGOUS GRADES IN THE PUBLIC SERVICE	
ARTICLE 71 RELATIVITY 90- VICE-PRESIDENT	ARTICLE 71 RELATIVITY 71 -CABINET MINISTER (NON-MP)	ARTICLE 71 RELATIVITY 44 - PART-TIME CHAIRPERSON OF NMC/NCCE		
ARTICLE 71 RELATIVITY 60 - CHAIRMAN, COUNCIL OF STATE	ARTICLE 71 RELATIVITY 70- MINISTER OF STATE (MP)/ REGIONAL MINISTER (MP)	ARTICLE 71 RELATIVITY 39 - PART-TIME MEMBER OF NCCE/ NMC/LG/PSC/NCCE		
	ARTICLE 71 RELATIVITY 69- MINISTER OF STATE (NON-MP)	MMDCEs		
	ARTICLE 71 RELATIVITY 68 -REGIONAL MINISTER (NON-MP)	POLITICAL APPOINTEES AT PRESIDENCY		
	ARTICLE 71 RELATIVITY 65 -DEPUTY MINISTER- (MP)	SPINE GRADE SSG LEVEL 23 AND ANALOGOUS GRADES IN THE PUBLIC SERVICE		
	ARTICLE 71 RELATIVITY 64- FULL-TIME VICE CHAIRPERSON OF EC/PSC/NCCE, FULL TIME DEPUTY COMMISSIONER CHRAJ, DEPUTY REGIONAL MINISTER (MP)			
	ARTICLE 71 RELATIVITY 63- DEPUTY MINISTER (NON-MP)			
	ARTICLE 71 RELATIVITY 62- DEPUTY REGIONAL MINISTER (NON-MP)			
	ARTICLE 71 RELATIVITY 60- MEMBER, COUNCIL OF STATE			
	SENIOR POLITICAL APPOINTEES AT PRESIDENCY			
	OFFICE HOLDERS ON SINGLE SPINE GRADE SSG LEVEL 23 AND ANALOGOUS GRADES IN THE PUBLIC SERVICE			
	OFFICE HOLDERS ON SINGLE SPINE GRADE SSG LEVEL 24 AND ANALOGOUS GRADES IN THE PUBLIC SERVICE			
Institutions indicated above whose rates are currently higher than what pertains in this document will continue to use the existing rates until a comprehensive review is conducted across the public service				
A wholistic review will be undertaken for State-Owned Enterprises operating under the Companies Act 2019 (Act 992) and statutory institutions that have been weaned-off Government subvention				
Political Appointees who per approval from H.E. the President (under the Presidential Office Act, 1993 (Act 463) and Sector Ministers (Public Financial Management Act, 2016 (Act 921)) and have been made analogous to Article 71 Office Holders and other Officers in the Public Service are to enjoy same as applicable to their analogous grades				
All public institutions on the Single Spine Salary Structure and on Government payroll are to be placed on this Schedule				
Members of the Judiciary and Parliamentary Service have been excluded applicable rates as are approved by their Councils				



4.0 General Rules

- 4.1 All public service institutions shall budget for their foreign travels.
- 4.2 To ensure budgetary control, statutory meetings/conferences shall be prioritized and be the first charge on the foreign travel budget. MDAs should ensure that official travels are aligned to the priorities as detailed in their work plan.
- 4.3 No public service officer shall travel on official business without prior approval. In line with existing procedures, Foreign Travel shall be subject to Government approval through the Chief of Staff. However, public servants of the rank of a Director and below shall seek approval from the Sector Minister or where appropriate the Chief Director.
- 4.4 Where the travel is externally sponsored (fully or partially) the officer shall still go through the approval process as indicated in 4.3 above.
- 4.5 Public service officers on international assignments are required to stay in recommended accommodation where possible or in a safe accommodation close to the venue of the meeting to facilitate their participation in the meetings.
- 4.6 In all cases, the necessary arrangements for accommodation in the foreign countries shall be made prior to departure. All Government delegations travelling on official assignments may liaise with Ghana Missions abroad to arrange appropriate accommodation and the Ministry of Foreign Affairs and Regional Integration informed about the travel arrangements.
- 4.7 Where the officer is compelled to stay in an expensive hotel due to the exigencies of the service, the MDA shall be responsible for the hotel accommodation and the officer's travel allowance abated by half.
- 4.8 All MDAs shall ensure that officers on official foreign trips have travel and medical insurance cover.
- 4.9 MDAs shall bear the cost of visa acquisition for official travel for up to two (2) years. The fees for any visa application beyond two years shall be borne by the applicant.



ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

5.0 Specific Rules

5.1 Travel Allowances

Per diem and Travel Time Allowances as well as accommodation in respect of official travels have been consolidated in the revised Foreign Travel Allowance. (Annex B). Where accommodation is provided, the applicable consolidated rate is abated by one-third.

5.2 External or Donor Sponsored Travels

Where an officer is sponsored by an external organization, the following conditions shall apply:

- 5.2.1 When the trip is fully sponsored, the applicable travel allowance shall be abated by two-thirds. However, where the sponsorship is at par or above the GOG rate, no allowance is payable.
- 5.2.2 When the trip is partially sponsored, the applicable travel allowance shall be abated by one-third.

5.3 GOG Fully Sponsored

- 5.3.1 For a fully sponsored Government of Ghana foreign travel for fourteen (14) days, an officer shall be paid full travel allowance. However, for Meetings and Conferences that travel beyond 14 days, express approval shall be obtained for the duration of the course before the officer leaves.
- 5.3.2 All travel allowances shall be calculated in US Dollars. However, their equivalence can be paid in Pound Sterling or Euro where applicable.
- 5.3.3 Courses with a duration of six months and beyond, shall be subject to the conditions associated with the offer/programme.

5.4 Accountable Imprest for Incidentals

Ministers, Deputy Ministers and Chief Directors on official assignments shall be granted accountable imprest to cover but not limited to the following:

- 5.4.1 Ground Transportation;
- 5.4.2 Side meetings for the delegation where necessary;
- 5.4.3 Dinner where the Minister and /or his alternate is hosting a meeting in the evening; and
- 5.4.4 Telephone calls, internet usage, etc.



ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

5.4.5 Where they are leading delegations on international assignments, a designated officer shall be given a separate imprest to cater for the delegation.

5.4.6 In a situation where the Minister is unable to attend and appoints a Senior Officer to lead the delegation, the provisions in 5.4 shall apply.

6.0 Classes of Air Travels

6.1 Ticketing

Barring any budgetary constraints, the following shall be the normal categories of travel for public service officers.

Category	Classes of Air Travel
A	First Class
B1 & B2	Business
C	Economy

6.2 For all long haul flights, of not less than thirteen hours, a mandatory 24-hour rest is to be instituted in the transit country irrespective of the flight schedule of the airline. With respect to category "C" officials on a non-stop flight of more than eight hours, such officials shall be entitled to an Economy Premium class.

6.3 The choice of ticket routes shall be based on value for money as well as the airline that will get the Officials to the destination on time.

7.0 Warm Clothing Allowance

7.1 The existing rate of USD275.00 shall be paid as Warm Clothing Allowance once every three (3) years to officers on foreign travels to temperate regions as well as Ethiopia and other Eastern and Southern African countries during cold/winter seasons.

7.2 It is the responsibility of MDAs to monitor the implementation of this allowance to avoid abuse, to this end, the office that prepared the travel documents shall ensure that the officer has not enjoyed this allowance in the last three years.

8.0 Revision

The approved Foreign Travel Allowances and Classes of Air Travel shall be subject to periodic review.



ADMINISTRATIVE GUIDELINES FOR THE IMPLEMENTATION OF FOREIGN TRAVEL ALLOWANCES

9.0 Conclusion

The above Administrative Guidelines shall aid implementation of Foreign Travel Allowances and Classes of Air Travel in the public service. All MDAs shall, therefore, ensure full implementation to complete the harmonization and standardization of Categories 2 & 3 Allowances for public service employees.

