

**25<sup>th</sup> June 2025**

**STATEMENT BY CHIEF JUSTICE GERTRUDE SACKEY  
TORKORNOO**

Good afternoon, respected citizens, and honorable members of the media. Today, I have requested the privilege of making a Statement to the nation for **four reasons**

**Historic Process**

The first reason is that the removal process that I am involved in as Chief Justice, is historic. In all of Ghana's 68-year history as an independent republic, there has never been a hearing for the removal of the Chief Justice. One would therefore have hoped that if such a process becomes necessary, it would provide good guidance and precedent for nation building. Unfortunately, every step of the removal process being undertaken against me is being done in a manner that breaks every rule on how justice is delivered in the country. And this is why I find the need to draw the nation's attention this afternoon, to the serious violations of the Constitution and law in the process, and the danger it holds for the development of the nation's democracy.

**Affected Institutions**

The second reason for making this statement is that though I am in the process alone, its effects ripple far beyond me as a person. This process will affect how all High Court Justices, Justices of the Court of Appeal, Supreme Court Justices and all Chief Justices that will be appointed in the future may be removed from office. It also affects Commissioners and Heads of independent constitutional bodies set up to protect the freedom and justice of Ghanaian citizens as guaranteed under the 1992 Constitution.

In building Ghana's democracy in the fourth Republic, the framers of the Constitution identified certain categories of public officials who must directly serve the citizens of Ghana, without being afraid of punishment or reprisals from influential people, or members of the executive and the legislature. The framers of the Constitution identified that it is only when these public officials work without fear, control or the pleasure of influential people,

that freedom and justice will reign in Ghana. The law did not provide for the termination of their appointments by any authority. The Constitution set up the grounds and processes for their removal from office under article 146 on grounds that must reach the standard of 'inability to perform the functions of their office'.

The officials are:

- Justices of High Court, Court of Appeal and Supreme Court
- The Commissioner and the Deputy Commissioners of the Commission on Human Rights and Administrative Justice (CHRAJ)
- The Auditor General
- The Chairman, Vice-Chairman and members of the Public Services Commission
- The Commissioner and Deputy Commissioners of Electoral Commission
- The Commissioner and Deputy Commissioners of National Commission on Civic Education

## **Irregularities and Illegalities**

The third reason for this statement is that in order to address the troubling violations of the Constitution and illegality of the proceedings that had become obvious from the beginning of the process, I started an action in the Supreme Court. **I applied for the proceedings of the committee set up by His Excellency the President to be held in public**, so that the violations of my rights that had already become manifest from the first day I received notice of suspension from office, and the first day that the Committee's started hearing the petitions against me, will not be shrouded in secrecy or by the requirement that the proceedings should be held 'in camera'. I asked for a public hearing, because I know that the secrecy of the proceedings for removing Judges was not created in the Constitution to be used as a cover up for any agenda. The Constitution expects that the only reasons for removing the Chief Justice and public officials subject to article 146 will be matters

that make them unable or unfit to perform the functions of their office, and matters that affect sensitive national interests, public order or safety. In my case, nothing in the petitions I had received reflected weighty issues of sensitivity or national interest. Indeed, all the matters in the petitions had been discussed extensively in the media before the hearings began.

I swore to a supplementary affidavit alerting the Supreme Court of human rights violations I had already started encountering at the hearing. However, the members of the Supreme Court that heard the application refused my application for an open hearing, and the supplementary affidavit informing the court of violations of human rights was also struck out of records on the request of the Attorney-General. I have decided to make this Statement today because the violations have not stopped, but have escalated beyond anything I could have imagined as possible in justice delivery.

These violations include:

- i. the Committee's refusal, in breach of the rules of natural justice, to recognise my counsel on the first day of proceedings simply because I was not personally present, and proceeding to fix hearing dates and make arrangements for the hearing without involving my counsel, even though he was physically present;
- ii. the committee's failure to indicate the specific allegations in respect of which a prima case has been established as well as the reasons for same, to enable me to determine my legal rights or adequately prepare a defence to the charges against me;
- iii. the committee's decision to permit two of the petitioners (Mr. Daniel Ofori and Shining Stars) not to testify to enable me cross-examine them on their petitions;
- iv. a denial of opportunity to be in the hearing room with my husband or a close family member;
- v. a thorough search on my body and handbags in violation of protocols and courtesies extended to the Chief Justice in honour of the country, domestically and internationally;

- vi. the conduct of the hearings in a cordoned high security zone on Castle Drive, Osu, when all Article 146 proceedings since 1993, had been held in a judicial facility at the Judicial Service, Accra. It is clear that the choice of venue, against the background of the secrecy of proceedings, was intended to intimidate me and to prevent any citizen of Ghana from knowing how the proceedings are being conducted.

I need to make the disclosure at this point that the Adu Lodge facility that I am being tried in featured very prominently in the planning of the murder of Judges on June 30th 1981, and this can be read about in the Special Investigative Report on that terrible event in our national history. It will be recalled that Major Sam Acquah, the military officer who was killed with the three High Court Judges, had been the Director of Human Resources of GIHOC. He was my uncle and my guardian when I entered the University of Ghana in September 1980. I was also living with him at the time he was abducted and murdered. Was Adu Lodge chosen for this inquiry to make me feel insecure? I think so. And I continue to hold the view that there is no reason to hold a quasi judicial hearing behind the high walls of Adu Lodge.

### **Breach of Rules of Disclosure**

Generally, at this article 146 hearing, no rules provided by law that regulate hearings and trials in this country are being followed.

As we will all know, when a citizen is summoned to appear before a court, whether a district court, circuit court, high court, court of appeal or supreme court, or before any administrative or disciplinary committee in the office, it is the duty of the court or committee to give the citizen copies of the complaint that they are presiding over. No citizen in this country can be summoned without being given a Writ of Summons, a Petition or Complaint. It is also the duty of every court, committee or tribunal to give anyone summoned before them copies of all documents that have been filed with them, before the hearing and in the course

of the hearing. The article 146 Committee that is hearing the petitions in Adu Lodge **has refused to give me copies of the petitions that His Excellency the President set up the Committee to inquire into and the responses I gave, and the prima facie determination that His Excellency the President is supposed to have made.** They claim that they know that the President sent me copies of the Petitions on 27th March 2025 and so, they do not need to show me their copies. They also claim to have copies of the Responses that I gave to the President, but they will not provide the parties with copies of them. They also claim that the Petitioners should also have their own copies of whatever they sent to the President. So the Committee will not prepare a hearing bundle or direct their Registrar to serve me with documents that the President has referred to them to inquire into. For the above reasons, to date, the Committee has refused and/or failed to serve on me the Petitions that form the basis of the hearing and any specific charges against me.

### **No record of Petition or Petitioners cases**

Ladies and gentlemen, it is common legal knowledge that in a committee/commission of inquiry set up pursuant to a petition, the petition is the basis for commencement of hearing by the committee/commission. The petition itself must be admitted into evidence and subjected to cross-examination, especially where it alleges wrongdoing against another person. In this case, the committee has not only permitted that two of the petitioners, Mr Daniel Ofori and a group calling itself “Shining Stars”, are not to testify and confirm on oath the petitions they have brought against me, but they also would not call anyone to testify on their behalf. So as we speak, there is nothing before the Committee confirming the petitions brought by these two petitioners. There is also no evidence given by them on oath to the Committee.

### **Conduct of proceedings in a typical adversarial litigation manner contrary to procedures of a Committee or Commission of Inquiry**

It is important to state that even though there is no constitutional instrument passed to regulate the proceedings of an Article 146 committee, we have on the statute books of Ghana, a constitutional instrument regulating the work of all commissions or committees of inquiry. This is the **Commissions of Inquiry (Practice and Procedure) Rules, 2010 (C. I. 65)**. And in article 146 (7), if a Committee is set up for the removal of a Chief Justice, the Committee is supposed to 'inquire' into the petition, the answer and the prima facie case.

In spite of this, on 15th May, the Committee indicated that it will conduct the hearing NOT AS AN INQUIRY – as directed by article 146 (7), but as a regular LITIGATION. The Committee rejected the use of **C. I. 65**, which is created for the conduct of an inquiry, and stated that they will rather use the High Court (Civil Procedure) Rules 2004 CI 47.

The Committee decided that each Petitioner is to conduct his case as they deem fit. Without presenting a petition to the Committee, or testifying on oath, the Petitioners would be allowed to issue subpoenas to public officials as witnesses to confirm what they themselves had not testified to.

Ladies and gentlemen, only a court duly created by law or a Commission of Inquiry created by constitutional instrument and vested with the powers of a High Court to compel the attendance of witnesses, can subpoena witnesses. The article 146 committee set up against me has not been given statutory status by the passage of a constitutional instrument. Neither has the Constitution vested it with the powers of a High Court nor empowered it to issue subpoenas, because they refuse to bring themselves within the regulation of article 295 of the Constitution. Yet, the Committee has been receiving applications for subpoenas from the petitioners and allowing the applications to serve as actual subpoenas.

Because the proceedings are being conducted as if it is a normal litigation between the petitioners and my humble self, i.e. Daniel Ofori vrs. Gertrude Torkornoo CJ, or Shinning Stars vrs. Gertrude

Torkornoo CJ or Ayamga Akolgo vrs. Gertrude Torkornoo CJ, contrary to the procedure which governs commissions of inquiry, the petitioners have their respective counsel who direct what evidence the petitioner wants to show the Committee. This is also in violation of known rules regarding proceedings of a committee of inquiry, regulated by C. I. 65, under which a Committee of Inquiry ought to have its own counsel to ensure that once the Committee starts proceedings, the petitioner becomes no more than a witness for the committee to prove the allegations that led to the setting up of the Committee of inquiry. They ought to testify on oath for the committee and be cross-examined by the Respondent, who is the subject of the proceedings.

In this case, the public officials served with applications for subpoenas to present certain documents, swear oaths and present the documents to the Committee as exhibits. These witnesses themselves do not have the petition, they do not either know the allegations of the petitioner or may have heard of them from social media, and cannot speak to the allegations. When they finish submitting their documents, my lawyers are called on to cross examine the witnesses.

Since 23rd May 2025, this strange process has been followed and witness after witness has been called. Like Nebuchadnezzar's situation in which he demanded that the magicians in his court should tell him his dream and also interpret it, my lawyers are left to guess which allegations in the Petitions I was given on 27th March 2025 are the subject matter of the testimonies that the witnesses have referred to. What is important to state is that the High Court Rules, CI 47, never conceived that any hearing will be done without the claims, defences, and issues to be tried being carefully laid out before the parties and accepted by both parties. In this case, there are no agreed claims, no agreed defences, and no agreed issues that the inquiry is supposed to establish.

Ladies and gentlemen, it is this total absence of compliance with all known rules of fair hearing that has caused my lawyers to file

applications for judicial review in the High Court to declare all the proceedings void. The clear danger is that in light of flagrant violation of CI 47, the very rules the Committee claims to be using, and the darkness of the current proceedings being held in camera, my lawyers and I can come to the end of proceedings; the evidence will show that every allegation in the Petitions that were given to me by the President on 27th March 2025 is unfounded and untrue. Yet, the article 146 committee can dig up some allegation from whatever document they claim to have received from the President which they have not shown to me, and purport to enter a recommendation for my removal on that basis. Allow me to say to the nation that what I am reporting on is a situation that is totally unknown to the rule of law in this country. If it was lawful, I would have no reason to alert the nation of the dangers they represent. It is the clear and blatant violations of law that have forced me to bring these matters out in the light of day.

### **Effect of the current proceedings**

The final and fourth reason for this Statement is that I have heard on several occasions, from loved ones, persons who care, persons who may not know me beyond my public duties, and many who think that since it is clear that the current proceedings seem to be carefully staged to result in my removal as Chief Justice, it would be best if I just retired or resigned, rather than subject myself to an ill motivated process. I have also received threats and veiled threats to the effect that if I fail to resign or voluntarily retire, I will be made to suffer some harm or the other.

I have also heard several commentaries in the media about how this process was born out of a stated political agenda to remove me and control the Judiciary, and that, it is a political effort that can only result in the charade of a hearing that is played out. I thank all those who have engaged in this conversation out of concern for my safety and well-being.

Let me assure everybody that I do not seek to cling to a title or position. However, as a lawyer of 38 years standing, a Judge of



21 years standing, and Chief Justice of Ghana who has served in the rule of law all of my working life, I consider it my onerous duty and obligation to speak up concerning the administration of justice in this country. The situation I have been confronted with has shown me a model of injustice that I would never have thought possible if I had not been exposed to it. This is why despite great personal discomfort, I have decided to marshal every effort, in law and leadership, to answer to this situation.

Furthermore, resigning or retiring while article 146 proceedings are being conducted to remove a Judge **is not an option any Judge or public official is even allowed to have**. There is a decided case on the subject by the Supreme Court. The suit number is J6/02/2019.

Again, no one has the authority to walk away from proceedings started by the State. Judgment can be entered against you because you failed to defend yourself. And a Judge who resigns or retires would still lose all entitlements because they failed to defend the claims and resigned or retired while the proceedings were going on. Therefore, if false claims are made against a Judge or any Commissioner or other public office holder subject to article 146 proceedings, just to achieve a political agenda, the solution cannot be to resign or voluntarily retire out of frustration, pressure or fear. One would only find themselves being subjected to two cruelties - a judgment based on false claims, and loss of everything that one has worked for. It may well be that efforts are being made to make me feel frustrated and resign so that the architects of the scheme can go back into the media to say that the wild and unfounded allegations in the petitions were not defended because they were true or that I had no credible defence to them.

As Chief Justice of a nation, who has been given the onerous duty and obligation to lead administration of justice, I should not turn tail and run when I know the implications of not defending false and unwarranted charges. If I resign under these circumstances, I will be saying that this flawed, unknown and opaque process is acceptable. It is not.

## **The need to protect Ghana's Institutions**

Ladies and Gentlemen, let me say, respectfully, that the current bizarre proceedings I have brought to your attention presents a twist to our nation's democratic journey that we ignore only at great cost. My humble view is that Ghana has come too far in the 33 years of the 4th Republic not to be alerted about the unconstitutionality around these article 146 proceedings that seem designed not to affect just me personally as Chief Justice, but all Judges and public officers subject to article 146, if it is successfully carried out without being questioned.

Behind me is every judge in the country. Behind me is every commissioner or head of an independent constitutional body in the country. If this model of removal can be tried on the Chief Justice, it can be repeated with everyone. I am not countering these processes for myself, but on account of the leadership burden I carry. If the nation is willing to accept these developments, it must be understood that I sounded the warning and the nation took the decision to be passive about it. I cannot share the burden of those involved in designing and implementing this enterprise of pretending to use article 146 procedures to remove a Chief Justice through unknown and unlawful means, by keeping quiet about the violations of law, rules and due process. Neither can I make their burden lighter by resigning or retiring, instead of proving that not even one of these wild claims in a collection of petitions is even remotely true or meets the standard required for removing any Judge.

## **The Three Petitions**

The petitions which are being used to 'inquire' into why I should be removed from office have been in the public domain for some months now. They are actually available on the internet, so I am not addressing anything that is not known in the public space. Many negative things have been said about me through public commentary on the petitions, although the petitions were responded to, seven days after I received them. And so anyone who cared to acknowledge my side of the story, would have no

need to keep repeating what is in the Petitions, without discussing the answers. When I provided responses to the petitions, I explained with evidence, that each allegation was either a lie, a wrong opinion about how work is conducted in the Judicial Service, a wrong opinion on the work of Judges, or a wrong opinion on the duties of a Chief Justice.

### **MR DANIEL OFORI'S PETITION**

Mr Daniel Ofori's petition is the petition with the most claims. Only two out of the several allegations he makes involve Mr Daniel Ofori personally, as a court user. In one of those two allegations, Mr Daniel Ofori is urging that I should be removed as Chief Justice because I transferred a case in which he is a party, from one Judge in the high court to another. What Mr. Ofori did not seem to know, which I stated in my answer to that allegation, is that the Judge his case was transferred from, had a family crisis and had to leave Ghana suddenly for an extended period. This is the only reason why cases she was handling, including Mr Daniel Ofori's case, were distributed to other Judges to handle. In the second allegation, he accuses me of transferring a case related to the first one, to the new Judge who took over his case, after a petition had been sent to me to have the two cases heard together. Again, any lawyer or Registrar could have informed him, that it is a policy written into the rules of court, to have cases between the same parties and involving the same issue, to be heard by one Judge. So there is no basis or truth to the allegations that I transferred his cases to a new Judge because I had an interest in his cases.

Indeed, in the year 2020, I wrote a dissenting opinion in one of Mr Ofori's cases in the Supreme Court. He won that application because my dissenting opinion was the minority opinion of three Judges. The other four Judges supported his application. After that, his lawyers applied that I should not sit on his cases again, because I had presided over a different case involving him in the high court, which he lost. Since then, I have not sat on any matter involving him. What is also disturbing about the current article 146 proceedings is the fact that the cases in the high court that

Mr Ofori complains about emanate from a judgment of the Supreme Court written by Justice Pwamang in Daniel Ofori's favour. How can Justice Pwamang who gave judgment in favour of Daniel Ofori as part of a panel of the Supreme Court, and whose opinion I dissented with, making me a target of Mr Ofori's anger, preside over processes to remove me as Chief Justice ostensibly for complaints Mr Ofori has?

I have already protested that there is a conflict of interest for Justice Pwamang to chair the Committee trying me on Daniel Ofori's petitions. What Mr Ofori's allegations seem to suggest is that, a court user can attack the Chief Justice and ask for the Chief Justice's removal, if the Chief Justice does not agree with his case while sitting as a Judge, or if his preferred Judge(s) are unable to hear his or her cases. And now the Judge who supported his case, gets to preside over the removal process.

Apart from these two allegations, Mr Ofori has no personal interest in all the other allegations he makes, and ought not to be allowed to conduct a litigation against me in the disguise of an article 146 proceeding. In two allegations, he complains that I misappropriated public funds to buy a ticket for my husband and daughter to travel with me. In answer to this, I handed over my letter of appointment to prove that in my conditions of appointment, Ghana graciously gave me two vacations in a year as Chief Justice. In the Judicial Service Travel Policy since 2010, the Chief Justice can never travel alone for security reasons, and the Chief Justice is always allowed to travel with the spouse or another person of their choice.

So travelling on my officially given vacations with my husband on one occasion and my daughter for the second vacation is part of the official conditions of my appointment as Chief Justice. I was also not responsible for buying the tickets in question, such that I could be said to have 'misappropriated' the value of the tickets. Indeed, if the Judicial Service was not allowed to buy the tickets for my vacation, the remedy was for the Auditor General to surcharge me to refund the money. Anyone can check out the 2023 accounts of Judicial Service to know that there is no

surcharge against me or anyone for the tickets purchased for my vacations. Mr Ofori seems to be alleging that I should have travelled with my police escort alone on vacation, and not a family member. This is why he wants me removed from office, and I am being tried at Adu Lodge. Ladies and gentlemen, the question to be asked is, why would anyone demand that I go on a vacation given to me as Chief Justice with my security escort alone, instead of going with my husband, or with my daughter? And how can this be a reason for subjecting a Chief Justice to a committee of inquiry?

Mr Ofori also complains that my family members should not have been given per diem when they travelled with me, and I have 'misappropriated' the per diem they were given. But anyone reading the Judicial Service travel policy will find that it provides that when the Chief Justice travels with anyone, whether police escort, another Judge, a secretary or spouse, that person is given per diem. And the rate of per diem is not set or administered by the Chief Justice. It is by regulations and administered by the Finance Directorate and Judicial Secretary, not the Chief Justice.

Mr Ofori's petition includes a lie that that I refused to retire accountable imprest of US\$14,000 that I was given when I travelled. But records are available to show that I spent US\$4,400 out of the \$14,000 accountable imprest that the finance directorate gave me to travel with. I handed over the remaining US\$9,600 to the Judicial Secretary, with records on how the US\$4,400 was spent, **two days after I returned to Ghana**. Without a settling of any issues for the hearing, I am being tried for these allegations that I have already provided records on.

In an arm of government where there are almost eight thousand staff, Mr Daniel Ofori's petition contains allegations that I transferred one staff member of Judicial Service to work on a different schedule, and this is why I should be removed as Chief Justice. He also alleges that I have refused to reinstate two members of staff whose appointments were terminated around 2015, when I was no where near being Chief Justice, and whose

issues are still in court. He also alleges that I should be removed for terminating the appointment of two staff members who went through disciplinary procedures that were initiated by reports against them before I became Chief Justice, leading to termination of their appointment. Though it is not clear to me why Mr Ofori should demand that the Chief Justice should be removed for transferring a member of staff, or being the final authority to sign any termination letter, I handed over to His Excellency the President, records covering every administrative step on these matters, supported by the due process administered by the right officers. And yet, I am being tried without the issue of a prima facie determination.

Another allegation of Mr Daniel Ofori is that I appointed a Judge as a Judicial Secretary, and it made her inefficient. The records show that the former Judicial Secretary was appointed as Judicial Secretary in 2018. She later became a Judge in 2019. I was nowhere near being Chief Justice. I was appointed Chief Justice in June, 2023. However, Mr Ofori says that because of these appointments made in 2018 and 2019, when I was not Chief Justice, I should be removed from office.

He also alleges that I have appointed Judges as registrars and this has introduced inefficiency into the management of courts. Again, the records show that the Judicial Council decided in May 2023, before I was appointed Chief Justice, that lower court judges should be appointed as registrars of the Supreme Court. So what I did was to implement the Judicial Council's decision. All these records were made available before the suspension warrant was issued, and yet I am being tried, and the Committee refuses to make these records that I gave to His Excellency the President available to the Petitioners. Mr Daniel Ofori also makes the allegation that a certain gentleman met a different panel to hear his case in the Supreme Court, other than the panel he met five months earlier, so I should be removed as Chief Justice. He also claims that I refused to fix an application filed in Accra, in a case pending in Koforidua, for a panel sitting in Accra to hear the Koforidua case, and so I should be removed as Chief Justice. In

another allegation, he complains that I supervised the Judicial Secretary to administer a decision of the General Legal Council taken before I became Chief Justice, and so I should be removed from office. Ladies and gentlemen, for all these allegations, if you read my responses which have been available on the internet for a long time, you will find that I provided records showing when, why, and how these decisions were taken.

There is also the complaint that I recommended Judges to be appointed to the Supreme Court, so I should be removed as Chief Justice. Ladies and gentlemen. Anyone who knows how appointments are made with recommendations from the Ghana Bar Association, the Attorney General and the Chief Justice, would know that this last complaint is ignorant of a long standing tradition. It has been the settled practice for decades that in the recommendation of Justices for the Superior Courts, the Chief Justice, the Ghana Bar Association, and the Attorney General all have the privilege of making recommendations on who should be nominated. The recommendation can be taken or refused by the President. There are members of the Superior Courts of Judicature today whose journey on to the Bench began with a recommendation by the Ghana Bar Association before the formal processes under the Constitution would be initiated by the President. I encourage everyone to read the judgment of the Supreme Court in the case of **Ghana Bar Association and Others vrs Attorney-General [2015-2016]**, 2 SCGLR 872.

How has it suddenly become unconstitutional, or wrong conduct, or incompetence for the Chief Justice to recommend to the President to consider for nomination, judges who in her view satisfy the constitutional standard of high moral integrity? Yet, despite all the evidence provided, I am being tried at Adu Lodge, without seeing what documents the panel was given to inquire into, and without my answers being provided to the inquiry for examination in chief and cross examination. I have taken this walk through Mr Ofori's petition to show that the allegations have no bearing on sensitive national issues or public safety or order, or my inability to perform the functions of a Chief Justice. They

have no basis in truth or law, and are nothing but an **attempt to gather a lot of complaints together, regardless of whether they are true or not, whether they are justified or not, just to have an excuse for this “inquiry”, that breaks all the rules of fair hearing.**

### **Mr Ayamga Akolgo**

There is also a petition from a gentleman called Ayamga Akolgo. His complaint is that on 14<sup>th</sup> November 2024, after the Supreme Court had given a ruling which went against him, I, as presiding judge in the Supreme Court, ordered his arrest, without any reason. He attached an exhibit to his petition which was a media report of a group called The Law Platform. This media report says that after the Supreme Court panel had ruled against Mr. Akolgo, he started to shout at the court, and that is why he was taken out of the court room. Essentially therefore, his own exhibit contradicts his claims. Mr Akolgo also claims that when he applied for a copy of the day’s proceedings which were signed by all the Judges that presided on his case, he did not see a record that he had been arrested, so I should be removed as Chief Justice. What is also significant about this petition is that Justice Pwamang sat with me as one of the Judges who heard Mr Akolgo’s case and was named as a witness that Mr Akolgo will call, making him ineligible to preside over the petition. But His Excellency the President has appointed him to chair and inquire into this petition, and he has accepted to do so.

Ladies, and gentlemen, Article 127(3) of the Constitution indemnifies a judge against any action or suit for any act or omission by him while exercising judicial power. This provision was just last week, cited as a reason for declaring a petition against a supreme court nominee frivolous. And yet, I am in Adu Lodge defending myself on this petition.

### **SHINNING STARS**

The last petition is from a group calling itself “Shinning Stars”. Searches have shown that no such group is registered in Ghana. Yet as a corporate body, they have petitioned against me, and I



am being tried. They claim that during the hearing of the case of **Afenyo Markin versus Attorney General & the Speaker of Parliament**, when I sat as a Judge, I failed to hear the side of the Speaker of Parliament before the Supreme Court made an order, and so I should be removed as Chief Justice. Again, I can only point to the fact that no Judge sits alone in the Supreme Court, and the court's decisions are the decisions of all the Judges who sit together.

Ladies and gentlemen. Every judicial decision I took that is complained about by Mr Ofori, Mr Akolgo, and the group calling itself Shinning Stars, was done as part of a panel of at least five Judges that made up the Supreme Court, and all Judges in a panel are indemnified by article 127 (3) of the 1992 Constitution. How tenable, if I can respectfully ask, can it be that a petition to remove the Chief Justice from office, can be entertained on these grounds? Every administrative decision complained about is supported by my constitutional obligations, and statutory responsibilities, and I showed, with exhibits, that they were taken after due process, before His Excellency the President issued a warrant of suspension against the Chief Justice without giving reasons.

Interestingly, there have been some recent suggestions about rules being made to safe guard Judges from frivolous attempts to remove them from office. It sounds like an attempt to assure the Judiciary that after unconstitutional and illegal means have been used to remove me, conditions will be made safer for those who help with it, or those who may feel afraid by the current occurrences. Despite the interesting new discussions of rules for 'removing Judges', I am convinced that it is only be a matter of time for the nation's democracy to experience the bitter harvest of what I am reporting on.

And if this nation descends into the kind of proceedings behind closed doors, that break all the rules of adjudication or inquiry as we know them, after all the progress we have made with the rule of law, that descent will lead us to a place where no Judge, Commissioner or Head of an independent constitutional body will

be safe from compromise created by fear, intimidation, and threats, or a desire to please. This is what our Constitution has carefully given provisions to protect the nation from. A new standard would have been set where Judges comply with what influential people want, or stand the risk of losing everything – including their career, their pensions, and their reputations – through the smear campaigns that can accompany the process. Every Judge and every Commissioner whose independence of mind gives Ghanaians the guarantee of freedom and justice today cannot function independently again. Any petition will be enough to invoke the danger of being removed by proceedings that are not supported by law, and which will be shrouded behind high security walls.

I would like to remind the nation of this quote from German Pastor Martin Niemoller dated 1946. It reads like this:

*“First they came for the socialists, and I did not speak out—because I was not a socialist. Then they came for the trade unionists, and I did not speak out—because I was not a trade unionist. Then they came for the Jews, and I did not speak out—because I was not a Jew. Then they came for me—and there was no one left to speak for me.”*

I am confident that in my journey as a lawyer, judge and now Chief Justice, there is no one person who can look at me in the eye and accuse me of taking a bribe to decide a case. This is the personal treasure of integrity that I live with.

So what if these current proceedings are being carefully staged to result in my removal as Chief Justice – even if there is no lawful justification? All I have stated shows that any such action would have been done on the basis of lies and violations of law and due process. As a career Judge, who has served under four different Presidents, from High Court, Court of Appeal and Supreme Court, I could never have imagined such irregularities possible if I had not personally encountered it. I am also a mother, and a grandmother who must hope for better than this for our nation, its rule of law and democracy. On my part, I chose to respect His

Excellency the President's warrant of suspension, even though it was clear to me that it was not supported by the prima facie determination required by the Constitution and decisions of the Supreme Court. I have chosen to honor the process set in place to hear the petitions. But I do not choose to hide from the nation that perversion of law, rules, and due process, as we all know it, are driving the proceedings, and this renders the proceedings unconstitutional. I choose to trust that such darkness will not totally engulf this nation. May God bless our homeland Ghana, and make our nation great and strong.

Thank you very much.