

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 14h 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.

## 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.

4 | Page

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