

HIS EXCELLENCY  
THE PRESIDENT OF THE REPUBLIC OF GHANA  
JUBILEE HOUSE

Dear sir

PETITION FOR THE REMOVAL OF HONOURABLE CHIEF JUSTICE HER  
LADYSHIP GETRUDE 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 Torkonoo CJ on grounds of "stated misbehaviour" 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 misbehaviour 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 constitution 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).

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 misbehaviour. 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 misbehaviour 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 GHS 261, 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 SA Torkonoo and US\$30,000 in per diem allowance 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 he 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 Gyekye

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 courts 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 accusing 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 Gyakye 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.

#### 13. SEVENTH

The Honourable Chief Justice arbitrarily, capriciously, unreasonably and maliciously transferred Francis Baiden, Deputy Director of ICT of the Judicial Service, from the said position 'to the Regional Administration Judicial Service Tamale to coordinate activities or 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 Quayon Suit No. CR/0264/2022

14. 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 Lodoh 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.

15. NINTH

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).

16. 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 Frank Aboadwe dated 30th July 2024 which ordered the reinstatement of a member of staff of the Judicial Service namely

Thomas Odei Boafo in a case titled Thomas Odei Boafo v The Judicial Service of Ghana & Anor. (Suit. No. IL/104/2019)

17. ELEVENTH

The Honourable Chief Justice contemptuously refused to comply with a decision of the High Court Accra presided over by His Lordship Justice Frank Aboawe 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 Phillip Kumayi Daliba v The Judicial Service of Ghana & Anor.

18. 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.

19. THIRTEENTH

The Honourable Chief Justice arbitrarily, capriciously and unreasonably dismissed Mr. Richard Boadi Acheampong by letter dated 12th October 2023 on grounds of absenting 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.

20. 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 Gyeabour and causing circulars dated 18th February 2023 and 15th March 2024 go 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 lawyers 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 Gyeabour’s certificate generated on the GBA portal, marked eGAR01553/24...  
All Courts are to take note and take the necessary action accordingly.”

## 21. 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 Gyeabour’s application will be void.”

## 22. 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.

## 23. 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.

#### 24. 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.

#### 25. 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.

#### 26. 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.

#### 27. 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 empaneled the Supreme Court for the hearing of an ex-parte application in the said case.

### INCOMPETENCE – SPECIFIC ALLEGATIONS

28. 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.

29. 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 Secretariat of the Chief Justice.

30. The Honourable Chief Justice unreasonably appointed as 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).

31. 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 MISBEHAVIOR

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

33. What accounts 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 defined in article 11(2) . Misbehaviour in common law 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 the 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.



34. Misbehaviour 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 power, the independence of the judiciary, respect of 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, misbehaviour such as justifies the removal of a Chief Justice.

35. Article 127(2) of the Constitution protects judges from interference 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).

36. 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 person in their exercise of judicial power.

37. Especially when administrative action by the Chief Justice is to please the President or assist the agenda of the Executive or meant to satisfy a personal whim as doing something to favour an individual, the danger to the independence of the Judiciary is even more serious.

#### SOME RELEVANT JUDICIAL PRONOUNCEMENTS

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

“A claim of constitutionally protected absolute administrative autonomy for the Chief Justice must fail.

39. 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.”

40. 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.

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

“Administrative Justice:

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

42. The Honourable Chief Justice is n “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 requirement in article 23 of the Constitution whose significance has been the subject of authoritative and

judicial pronouncements such as in the case of *Awuni v West African Examination Council*, where Sophia Akuffo JSC (as she then was) stated: "... In my view, the scope of article 23 is such that, there is not distinction made between acts done in exercise of ordinary administrative functions and quasi-judicial administrative function.. 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, whereas in this case, the likely outcome of an administrative activity is of 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.

43. In *TDC v Musah v Atta Baffour*, the Supreme Court gave extensive consideration to the issue of discretionary powers and the powers of review 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] 1KB 223 and the celebrated case of *Council of Civil Service Unions v Minister for the Civil Service* [1948]3 All ER 935 HL, in which Lord Greene's formulation of the basic principle of judicial review often referred to as the *Wednesbury* principle was reformulated by Lord Diplock...at page 949..."

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

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

By illegality is a ground for judicial review I mean that the decision maker must understand correctly the law that regulates his decision making power and , 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 decision which is so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. ..." (emphasis added).

45. 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." (emphasis added).

46. It is similarly without meaning any disrespect to 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.

47. In the same TDC v Musah case, Dr Date-Bah JSC also noted:

"I believe that the requirements of 'reasonableness' in administrative decision should be given as a fundamental role in Ghana 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. Matter of fundamental human rights in this jurisdiction." (emphasis supplied)

48. 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.

49. In *Aboagye v Ghana Commercial Bank Ltd. 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.”

50. In the case of *Okudzeto Ablakwa (No 2) & Another v Attorney-General & Obetsebi Lamptey, Brobbey JSC* speaking for the majority stated that the “...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 wither 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

51. On the criteria set out in the two cases discussed above, the instant petition has more than vindicated its merits. Each 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 Torkornoo). Taken together, the counts show a pattern of behavior 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.

52. 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 action 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.

53. 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.

54. Our exhortation to Your Excellency to treat our petition with urgency is 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 willfully promoting the prostitution or corruption of the system through meddlesome interference in the judicial work of the judges and thereby rendering the judges automations 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 anathema to our civilised 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.’”

Your petitioner

Daniel Ofori

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[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: 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 Hon...

[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: akolgo cont'd

[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: 60. Subhead's issues and perspectives on the petition.

Issue 1: Whether or not after delivery of judgement 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 a...

[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: April 7th 2025

HIS EXCELLENCY

THE PRESIDENT OF THE REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

JUBILEE HOUSE – ACCRA

Your Excellency,

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

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 SACKY TORKORNOO  
CHIEF JUSTICE

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[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: 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

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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.

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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

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Exhibit : Law platform publication on the incident in court

[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: 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 SHINNING STARS OF GHANA, REPRESENTED BY MR. KINGSLEY AGYEI

Respectfully, the Petitioners, represented by the convener of the group, have petitioned for the removal of the Chief Justice on grounds of 'stated misbehaviour' and 'incompetence' pursuant to article 146 (1) of the 1992 Constitution. The convener states that in the context of the petition, 'incompetence means inability to maintain high judicial standards as a result of improper administration of judicial procedures'

#### FIRST COMPLAINT

The petitioner refers to a letter written by the Chief Justice to His Excellency President Akufo Addo requesting for the appointment of five Justices of the Court of Appeal to the Supreme Court and urges that this act was in breach

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of article 144 of the 1992 Constitution and so the Chief Justice should be removed from office to restore dignity and public confidence in the office.

#### MY HUMBLE RESPONSE

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.

Your Excellency, 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. I humbly submit a copy of that determination dated 3rd January 2025 as exhibit SS1

The said determinations of the President and the Council of State further quoted from the decision of the Supreme Court in *Ghana Bar Association and Others v Attorney-General and Another*; *Sky v Attorney General*; page 2

*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 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

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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 consideration of the same facts and issues raised by the petitioner herein and the fact that my recommendations rested on the established practice articulated by the Supreme Court in the GBA case.

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

## SECOND COMPLAINT

The petitioner questions the decisions of the Supreme Court in the case of Afenyo Markin v Speaker of Parliament and Attorney General Suit No J1/02/2025. He complains that from the facts and issues and the ruling of the

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court, the Chief Justice who presided over the suit was in breach of rules of natural justice.

Humbly, the Petition misses two critical points. The hearing and decisions complained about are the decisions of the Supreme Court and not the decisions of the Chief Justice. The Supreme Court is always composed of not fewer 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 none of the Judges who participate in a decision can be singled out for criticism of the legal import or effect of the court's work. At the end of proceedings by each panel of the Supreme Court, all Judges sign the record created, indicating their concurrence in the record of the court.

Article 127 on Independence of the Judiciary also 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.

It is therefore humbly submitted that the Chief Justice cannot be no subject to the onerous procedure of being removed from office on account of the opinion of the Petitioner regarding the quality of the Supreme Court's

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decision. This is specially so when judicial decisions may be re-examined only through judicial processes that are provided for by law.

Humbly submitted.

HL JUSTICE GERTRUDE SACEY TORKORNOO  
CHIEF JUSTICE

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[10:39 PM, 4/22/2025] Dr. Agyeman Budu ACICJ GIMPA: 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 Superior Court Judge, including the Chief Justice, requires that the Petition 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'

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#### 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

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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 Gyakye Quayson in Criminal Division 3. Nothing can be further from the truth.

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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.

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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:

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- 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'

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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 Lodoh 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

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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 charge, like the other charges in the petition, relies on conjecture and speculate 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 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 capacity to pursue the personal rights of the named persons these allegations are totally unfounded.

Page 11.

The decision of the high court to reinstate Thomas Odei Boafo 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 DO series represents some of the records found on the background investigations into Mr. Boadi Acheampong's conduct and dismissal. They reveal that complaints against him commenced almost a decade before became Chief Justice.

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**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.



## 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 *Chana Bar Association and Others v Attorney-General and Another; Sky v Attorney General; Danso-Acheampong Attorney* [Consolidated Writs J1/21/2015; J1/22/2015] reported in 12 2016/2 SCGLR, judgment dated 20th July 2016.

The first quote came from the opinion of the court articulated by Dotse Se 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 ISC 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 y

It is respectfully submitted that the rule not to try anyone twice on 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

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 work 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

transferred Her Ladyship P. Quansah I 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.

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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 registries of all courts, it is not out of place for ex parte application heard on the same date that they are filed.

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#### 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 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

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

Respectfully submitted. Thank you.

HL JUSTICE GERTRUDE SACKY TORKORNOO

CHIEF JUSTICE