

MARCH 17, 2025

HIS EXCELLENCY
THE PRESIDENT OF THE REPUBLIC OF GHANA
JUBILEE HOUSE

Dear sir

PETITION FOR THE REMOVAL OF HONOURABLE CHIEF JUSTICE HER
LADYSHIP GETRUDE SACEY 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 exonerate 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

Telephone and WhatsApp number 055 121 8589

Email: whitechapel1992@yahoo.com