

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

Filed on 17/09/2025
2:15
am/pm
Registrar
HIGH COURT, ACCRA
HR/0163/2025
SUIT NO.

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

AND

IN THE MATTER OF:

THE REPUBLIC

v.

ATTORNEY-GENERAL

Office of the Attorney-General
Law House Accra

RESPONDENTS

EX PARTE:

JUSTICE GERTRUDE ARABA

APPLICANT

ESAABA TORKORNOO

Chief Justice's Residence
Cantonments, Accra

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

PLEASE TAKE NOTICE that this Honorable Court shall be moved by Counsel for and on behalf of Applicant herein praying for the following reliefs:

- (a) A declaration that the President is devoid of power to remove a Justice of the Superior Court from office without recourse to the mandatory procedure set out in article 146 of the Constitution;
- (b) A declaration that jurisdiction to hear a petition for the removal of a Justice of the Superior Court from office lies with a body properly constituted under article 146 (4) of the 1992 Constitution
- (c) a declaration that the Warrant of Removal executed by the President dated 1st September, 2025 purportedly removing the applicant herein from both the office of Chief Justice and office of a Justice of the Superior Court of Judicature is unlawful, null, void and of no effect;


(d) an order of certiorari to bring into this Honourable Court for the purpose of being quashed and for quashing the Warrant of Removal dated September 1, 2025 referred to in (c) above, and to quash same as being in violation of the mandatory provisions regarding the removal of a Justice of the Superior Court of Judicature from office;

(e) any further order(s) as to this Court may deem fit to make

UPON GROUNDS set out in the accompanying affidavit.

AND AS SET OUT AS FOLLOWS;

- i. Illegality and want of power under Article 146 of the Constitution under which the President executed the warrant of September 1st 2025.
- ii. Lack of jurisdiction of the Article 146 Committee set up by the President to recommend removal of Chief Justice to recommend removal of a Justice of Superior Courts from office.

 **COURT** to be moved on the day of 2025, at 9 o'clock in the forenoon or so soon thereafter as Counsel for the 1st Respondent/Applicant may be heard.

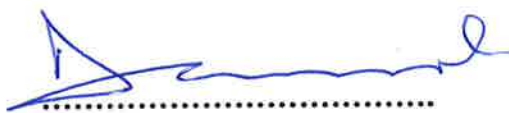
NAMES AND ADDRESSES OF PERSONS DIRECTLY AFFECTED BY THE APPLICATION:

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

DATED AT ADU-KUSI PRUC ACCRA, THIS 16 DAY SEPTEMBER OF, 2025.

THE REGISTRAR
HIGH COURT
ACCRA

AND FOR SERVICE ON THE ABOVE-NAMED RESPONDENTS


.....
**LAWYERS FOR APPLICANT
KWABENA ADU-KUSI
LICENCE NO. GAR/02429/25**

ADU-KUSI PRUC

ADU-KUSI PRUC
A Full Service Law Firm
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Tel: 0302 - 257732 / 0302 - 25216
PMB 347, Accra North, Ghana
info@adu-kusi.com

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JUSTICE GERTRUDE ARABA
ESAABA TORKORNOO

APPLICANT

Chief Justice's Residence, Cantonments, Accra

AFFIDAVIT IN SUPPORT OF APPLICATION FOR JUDICIAL REVIEW

I Justice **Gertrude Araba Esaaba Sackey Torkornoo**, of Chief Justice's Residence, Accra make oath and say as follows:

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

4. That all depositions I make in this affidavit which are based on law or are legal in nature, I make on the basis of advice I have received from my lawyer, which advice I believe same to be true.

5. GROUNDS FOR APPLICATION

That the grounds on which the application is made are set out as follows:

- i. Illegality and want of power under Article 146 of the Constitution under which the President executed the warrant of September 1st 2025.
 - ii. Lack of jurisdiction in the Article 146 Committee set up by the President to recommend removal of Chief Justice to recommend removal of a Justice of Superior Courts from office.
6. That by a press release, the Director of Communications at the Office of the President informed the public of receipt of three petitions purportedly presented for my removal as Chief Justice of the Republic, and the commencement of consultations with the Council of State, as part of processes for my removal from office. Attached herewith and marked as Exhibit GST1 is a copy of the said press release.
 7. That because I had hitherto never been informed of the presentation of such petitions against me, I wrote to the President for copies of the said petitions in response to which the President provided me with copies.
 8. That on receipt of the petitions, it became apparent that the petitions were in respect of my removal from the office of Chief Justice of the Republic. Attached herewith and marked as Exhibit GST2A, GST2B and GST2C are copies of the petitions respectively.
 9. That by communication dated April 22, 2025, the Secretary to the President indicated that a *prima facie* finding had been made by the President against me in respect of the petitions for my removal as Chief Justice of Ghana by Daniel Ofori, Shinning Stars of Ghana and Ayamga Akolgo Esq.
 10. That by the same communication, the Secretary to the President indicated that the President had established a committee to inquire into the allegations against me contained in the three petitions referred to above and make findings and recommendations towards my removal from office as Chief Justice of the Republic (hereinafter referred to as “the Committee” or “Article 146 Committee”). The following persons were indicated as members of the Committee:
 - a. **Justice Gabriel Scott Pwamang**
 - b. **Justice Samuel Kwame Adibu-Asiedu**
 - c. **Daniel Yao Domelovo**
 - d. **Major Flora Bazwaanura Dalugo**
 - e. **Professor James Sefah Dzisah**

11. That to date, I have not been served with a copy of the prima facie determination on the petitions by the President.
12. That notwithstanding the failure to serve me with the purported prima facie determination, the Secretary to the President also communicated the President's decision to suspend me as a Chief Justice by a warrant with immediate effect. Attached herewith and marked as **Exhibits GST3 and GSTJ4** are copies of the communication of the Secretary to the President referred to and dated April 22, 2025 and the Warrant of Suspension.
13. That neither the communication of the Secretary to the President nor the Warrant were accompanied by any document containing the prima facie determination.
14. That on September 1, 2025, I received communication from the President of Ghana that I had been removed from office as both the Chief Justice of Ghana and a Justice of the Supreme Court of Ghana on the basis of a report and recommendations of the Article 146 Committee (Chaired by Pwamang JSC) set up to consider the Petitions for my removal from office as the Chief Justice. The communication and a document purporting to be a Warrant of Removal is attached as **Exhibits GST 5 and 6**.
15. That in violation of my rights, I have not been given a copy of the Recommendation and Report of the Article 146 Committee, based on which the President purported to remove me from office.
16. That I am advised by Counsel and believe same to be true that the President, could not, by the Warrant dated September 1, 2025, remove me from both the offices of Chief Justice and a Justice of the Supreme Court of Ghana for the following and other reasons:
 - a. The Petitions of Daniel Ofori, Shinning Stars of Ghana and Ayamga Akolgo Esq were specifically for my removal from office as Chief Justice, not as a Justice of the Supreme Court of Ghana.
 - b. The responses I submitted to the President in respect of the three petitions above noted, were in respect of allegations for my removal as Chief Justice and not as a Justice of the Superior Court.
 - c. The purported *Prima Facie* determination, a copy of which has to date not been provided to me, was in relation to the petitions for my removal as Chief Justice, and not as a Justice of the Supreme Court of Ghana.
 - d. The Committee was set up, as stipulated under Article 146(6) of the Constitution, to consider whether or not to recommend my removal as Chief Justice of the Republic of Ghana, but not as a Justice of the Supreme Court of Ghana. The jurisdiction of a Committee set up pursuant to article 146 (6) is specifically stipulated by the Constitution 1992 to be limited to consideration of petitions against a Chief Justice.

- e. The Committee thus was not clothed with jurisdiction to inquire into or make recommendations on whether I ought to be removed as a Justice of the Superior Court of Judicature, including the Supreme Court.
- f. The Secretary to the President confirmed in his communication dated September 1, 2025 (Exhibit GST 5), that the Article 146 Committee infact recommended my removal from office as Chief Justice only. The relevant part of Exhibit GST 5 reads as follows;

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

- g. That under the Constitution of Ghana, the prescribed procedure - including the composition of a committee to investigate or inquire into petitions for removing a person from the office of a Chief Justice is, in the wisdom of the framers of the Constitution, distinct from the mandated procedure for the removal of Justice of the Supreme Court of Ghana.
 - h. Jurisdiction to hear petitions for the removal of Justice of the Superior Courts is specifically stipulated by the Constitution 1992 to be vested in a committee formed pursuant to article 146 (4).
17. That accordingly and respectfully, the President did not have the power to remove me as a Justice of the Supreme Court of Ghana on account of lack of consideration of a petition to remove me from office as a Justice of the Superior Courts, lack of jurisdiction in the committee, and lack of a process for my removal from office as a Justice of the Superior Courts.
 18. That it is clear that the process for appointing a Justice of the Supreme Court is different from the process for appointing a Chief Justice.
 19. That further, the Chief Justice is the Head of the Judiciary responsible for the administration of the Judiciary, a function not performed by other Justices of the Supreme Court. Thus, removal as a Chief Justice does not imply automatic removal as a Justice of the Superior Court which includes the Supreme Court.
 20. That by purporting to remove me from office both as a Justice of the Supreme Court of Ghana and as a Chief Justice by the Warrant dated September 1, 2025, the President acted contrary to, and in excess of the powers conferred on him by article 146 of the Constitution.
 21. That the Warrant dated September 1, 2025 is thus illegal, null, void and of no effect, particularly as it seeks to remove me both as Chief Justice of Ghana and as a Justice of Supreme Court.

22. That I am advised by counsel and verily believe same to be true that the act of the President in purporting to remove me from office in contravention of the indispensable procedure, constitutionally stipulated for removal of a Justice of the Superior Court, is subject to this Honourable Court's supervisory jurisdiction under articles 23 and 141 of the Constitution.

23. Wherefore and in the circumstances, I depose to this Affidavit in Support of the Application for Judicial Review for the following reliefs:

- (a) A declaration that the President is devoid of power to remove a Justice of the Superior Court from office without recourse to the mandatory procedure set out in article 146 of the Constitution;
- (b) A declaration that jurisdiction to hear a petition for the removal of a Justice of the Superior Court from office lies with a body properly constituted under article 146 (4) of the 1992 Constitution
- (c) A declaration that the Warrant of Removal executed by the President dated 1st September, 2025 purportedly removing the applicant herein from the office of Chief Justice and office of a Justice of the Superior Court of Judicature is unlawful, null, void and of no effect;
- (d) An order of certiorari to bring into this Honourable Court for the purpose of being quashed and for quashing the Warrant of Removal dated September 1, 2025 referred to in (c) above, and to quash same as being in violation of the mandatory provisions regarding the removal of a Justice of the Superior Court of Judicature from office;
- (e) any further order(s) as to this Court may deem fit.

NAMES AND ADDRESSES OF PERSONS DIRECTLY AFFECTED BY THE APPLICATION.

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

SWORN AT ACCRA THIS 17th DAY OF SEPTEMBER, 2025


DEPONENT

SWORN BEFORE


COMMISSIONER FOR OATHS

THE REGISTRAR,
HIGH COURT,
ACCRA.

FELIX AKAKPO LAWER
COMMISSIONER FOR OATHS
P. O. BOX TN 1933
TESHIE NUNGUA EST. ACCRA

AND FOR SERVICE ON THE WITHIN NAMED RESPONDENTS.

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
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JUSTICE GERTRUDE ARABA

APPLICANT

ESAABA TORKORNOO
Chief Justice's Residence
Cantonments, Accra

CERTIFICATE OF EXHIBITS

I, **FELIX AKAKPO LAWYER** hereby certify and identify the under-mentioned document which has been shown to me and exhibited to the Affidavit deposed to by Justice Gertrude Araba Esaaba Sackey Torkornoo and sworn on 17/09/2025

Exhibit GST1 – A copy of the press release by the Director of Communications at the Office of the President.

Exhibit GST2 series – Copies of the petitions to the President

Exhibits GST3 – A copy of the Communication of the Secretary to the President dated April 22, 2025 that a prima facie determination had been made.

Exhibit GST4 – A copy of the Warrant of Suspension

Exhibit GST5 – A copy of the communication from the President that I have been removed from office as both Chief Justice of Ghana and a Justice of the Supreme Court.

Exhibit GST6 – A copy of the Warrant of Removal

BEFORE ME

COMMISSIONER FOR OATHS

FELIX AKAKPO LAWYER
COMMISSIONER FOR OATHS
P. O. BOX TN 1933
TESHIE NUNGUA EST. ACCRA



Tuesday, 25 March 2025

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

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

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

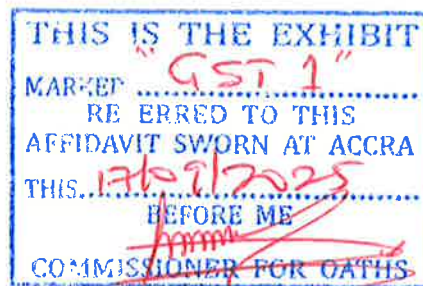


EXHIBIT GST 2A



MARCH 17, 2025.

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

Dear Sir,

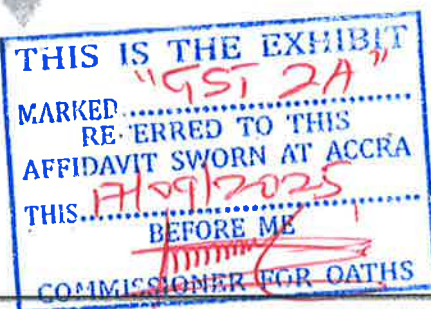
**PETITION FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE,
HER LADYSHIP GERTRUDE SACKY TORKORNOO,
PURSUANT TO ARTICLE 146 OF THE 1992 CONSTITUTION OF THE
REPUBLIC OF GHANA.**

Introduction.

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

3. Article 146(6) of the 1992 Constitution requires that in respect of a petition

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



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- How? What Rules etc. 17
- RESTRICTED
4. Article 146(7) provides the terms of reference for the Committee:

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

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

Statement of misbehavior - Specific allegations.

7. **FIRST.**

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

8. **SECOND.**

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

9. **THIRD.**

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

10. **FOURTH.**

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

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

11. **FIFTH.**

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

12. **SIXTH**

The Honourable Chief Justice falsely and maliciously accused two members of staff of the Judicial Service, namely Francis Baiden and Adwoa Boatemaa Prempeh, of tampering with the record of the proceedings for 19th July 2023 in the case of **Republic v 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.

12. **SEVENTH.**

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

13. **EIGHTH.**

The Honourable Chief Justice, in bad faith and arbitrarily and unreasonably, transferred the execution proceedings initiated, on the directions of the Supreme Court, before the High Court (Commercial Division 7), Accra, presided over by His Lordship Justice 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.

14. **NINETH.**

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

15. **TENTH.**

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

16. **ELEVENTH.**

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

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

17. **TWELFTH.**

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

18. **THIRTEENTH.**

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

19. **FOURTEENTH.**

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

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

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

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

20. **FIFTEENTH.**

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

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

21. **SIXTEENTH.**

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

22. **SEVENTEENTH.**

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

23. **EIGHTEENTH.**

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

24. **NINETEENTH.**

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

25. **TWENTIETH.**

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

26. TWENTY FIRST.

Incompetence - Specific Allegations.

- ### What is "stated misbehaviour"?

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

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32. What counts as misbehaviour may therefore be discerned from the common law which is a source of law under article 11(1)(e) of the Constitution, common law being defined in article 11(2). Misbehavior in common law terms typically includes:

- i. **Abuse of Office:** using the office of a judge in a manner which brings the administration of justice into disrepute.
- ii. **Incompetence:** demonstrating a lack of ability or capacity to perform duties in accordance with the standards required and/or expected of the office.
- iii. **Unreasonableness:** behaving in a manner that defies logic undermines public confidence in the judiciary, such as making decisions that are irrational, arbitrary, inappropriate relationships.
- iv. **Corruption:** engaging in bribery or other forms of corruption.
- v. **Moral Turpitude:** engaging in conduct that is morally unacceptable, such as fraud or dishonesty.

33. Misbehavior in terms of the 1992 Constitution of the Republic of Ghana is also to be interpreted from a constitutional context that involves the separation of powers, the independence of the Judiciary, respect for fundamental human rights, justice being administered in the name of the people and, hence, the need to ensure public confidence in the administration of justice. Conduct of a Chief Justice undermining these foundational aspects of the legal system of Ghana is, thus, without doubt, misbehavior such as justifies the removal of a Chief Justice.

34. Article 127(2) of the Constitution protects judges from interference by providing that

"Neither the President nor Parliament nor any person acting under the authority of the President or Parliament **nor any other person whatsoever** shall interfere with Judges or judicial officers or other persons exercising judicial power..." (emphasis added).

35. This provision, clearly, is not only about interference with Judges or judicial officers from the President or Parliament. It also requires a Chief Justice, for instance, in the discharge of administrative duties supervising the Judiciary, not to interfere with individual judges or judicial officers or other persons in their exercise of judicial power.

36. Especially when administrative action by the Chief Justice is to please the President or assist the agenda of the Executive or meant

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

Some relevant judicial pronouncements

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

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

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

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

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

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

- a) that discretionary power shall be deemed to imply a duty to be fair and candid;
 - b) the exercise of the discretionary power shall not be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law; and
 - c) where the person or authority is not a judge or other judicial officer, there shall be published by constitutional instrument or statutory instrument, regulations that are not inconsistent with the provisions of this Constitution or that other law to govern the exercise of the discretionary power.
40. The constitutional principles on the exercise of discretionary power stated in article 296 are supplemented by the following provisions of article 23 of the Constitution:

² [2005-2006] SCGLR 732.

³ at page 789.

“Administrative Justice

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

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

“... responsible for the administration and supervision of the Judiciary.”

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

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

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

⁴ [2003-2004] SCGLR 471.

⁵ At page 514.

⁶ [2005-2006] SCGLR 121.

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

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

43. She then proceeded to explain:

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

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

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

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

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

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

⁷ at page 129.

⁸ at pages 130-131.

⁹ at page 131.

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45. It is, similarly, without meaning any disrespect to Her Ladyship the Chief Justice, that we intend to show by evidence the unreasonableness of certain administrative decisions that she took as part of the stated misbehaviour set out above which justifies her removal.
46. In the same **TDC & Musah** case, Dr. Date-Bah JSC also noted:

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

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

*"Often administrative authorities gleefully take up statutory powers or functions but seem to be oblivious of the fact that they are public accountable powers. They ought always to bear in mind the adage that *qui sentit commodum et onus sentire debet* or that one cannot take a *beneficium sine onero*."*
The obliviousness to accountability that has been evident in the conduct of Her Ladyship the Chief Justice is what has occasioned, and is the subject-matter of, this petition.

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

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

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

¹⁰ at pages 152-3.

¹¹ [2001-2002] SCGLR 797.

¹² At page 806.

¹³ (No 2) [2012] 2 SCGLR 845.

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

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

CONCLUSION.

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

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53. 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 wilfully promoting the prostitution or corruption of the system through meddlesome interference in the judicial work of the judges and thereby rendering the judges automatons in the performance of the judicial responsibilities. If such a conduct becomes part of the modus operandi of the oversight responsibility of the Chief Justice, he will be seriously compromising his high office and be an anathema to our civilized society. The consequence that will inevitably flow from such a despicable behaviour may render him liable for removal under S 128 (4) of the Constitution for lacking in "high moral character and proven integrity".¹⁴

Your Petitioner


Daniel Ofori

Telephone and WhatsApp Number - 055 121 8589
Email- whitechapel1992@yahoo.com

¹⁴ See page 811 of [2005-2006] SCGLR.



PETITION TO PRESIDENT

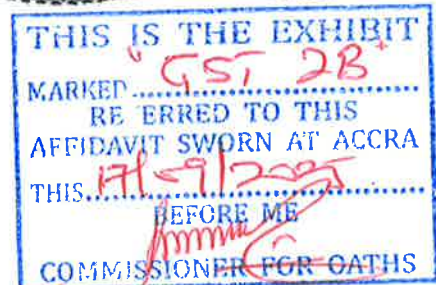
14TH FEBRUARY, 2025

HIS EXCELLENCY,

THE PRESIDENT OF THE REPUBLIC OF GHANA,

FLAGSTAFF HOUSE,

ACCRA.



Dear Mr. President :

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

PREAMBLE.

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

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

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

LEGAL BASIS OF OUR PETITION

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

MEANING OF STATED MISBEHAVIOUR

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

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

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

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

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

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

ACTS OF INCOMPETENCE BY THE CHIEF JUSTICE

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

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

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

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

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

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

PROMINENCE GIVEN TO HEARING IN COURT

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

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

Humbly and Respectfully Submitted;

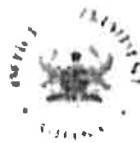
K. Gy. Agyei
Kingsley Agyei (Chairman and Convenor),

The Shinning Stars of Ghana,

Accra,

Telephone: 0268155470

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COMMUNICATIONS DIRECTORATE
JUBILEE HOUSE ACCRA

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16th December, 2018

For Immediate Release

**PRESIDENT AKUFO-ADDU REMOVES THREE JUSTICES OF
THE HIGH COURT FROM OFFICE**

The President of the Republic, Nana Addo Dankwa Akufo-Addo, has, by letter dated Thursday, 6th December, 2018, removed Mr. Justice Ayisi Addo, Mr. Justice Uter Paul Dery, and Mr. Justice Mustapha Habib Logoh, from office as Justices of the High Court.

This was after the Committee established by the Chief Justice, Justice Sophia Akuffo, pursuant to Article 146(4) of the Constitution, to investigate a complaint lodged against the three judges by Mr. Anas Aremeyaw Anas, recommended their removal from office.

The President, in accordance with the provisions of Article 146(9) of the Constitution, has acted on the recommendations of the Committee, as the Constitution enjoins him to do, and has, accordingly, removed the three Justices of the High Court from office on the grounds of bribery and corruption.

The Committee concluded that the conduct of the Justices amounted to a criminal offence under the Criminal Offences Act, 1960, (Act 29) (as amended).

President Akufo-Addo has, thus, directed that a copy of the Committee's report be submitted to the Criminal Investigations Department (CID) of the Ghana Police Service for the requisite action to be taken.

Eugene Arhin
Director of Communications

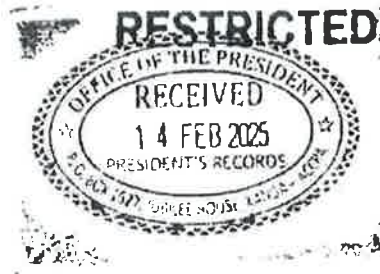
2ND EXHIBIT; SHINING STARS –

SS1 (DETERMINATION OF EX PRESIDENT AKUFFO ADDO AND COUNCIL OF STATE)

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14TH FEBRUARY 2025

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

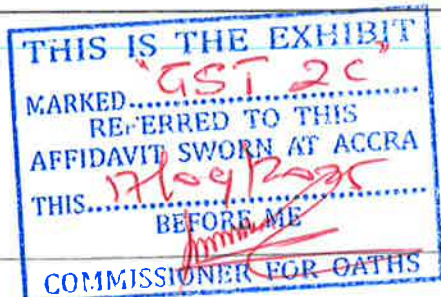


Dear Mr. President:

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

Introduction

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



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

¹ Hereinafter referred to as the Code.

² The Code, Rule 1 Propriety/Principle 1.

³ The Code, Rule 1 Propriety/Principle 2.

⁴ The Code, Purpose Scope Application.

⁵ The Code, Rule 4 Integrity Principle 1.

Facts

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

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

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

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

⁸ See Exhibit "C" Ruling of the court

⁹ See Exhibit "C" Ruling or judgment.

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

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24. I did not commit any criminal offence as provided in the Criminal Offence Act, 1960 (Act 29). I did not commit any criminal offence in the presence of a judge or the Chief Justice as judge to warrant the arrest. I was never a wanted person for which a warrant of arrest could have been issued for her to order the arrest.
25. I did not disturb or interrupt the court's proceedings. I did not insult any person or judge. I did not commit contempt of court. No proper due process of the law was followed before and after my arrest. No proper contempt of court proceeding took place before and after my arrest and detention.
26. Pursuant to her order a Police officer, Inspector Jacob Kwame Gona¹⁰ approached me in the court room. I gently submitted to the arrest without disturbing the court. The Police Inspector escorted me outside the courtroom. I was held there over two hours, contrary to section 9 of the Criminal Procedure Act 30 which required the arrested taken to the nearest police station.
27. A senior Lawyer Addo Attuah approached me outside the court where I was held, he appears worried and concern about the arrest and detention which infringed on my fundamental human rights guaranteed by the Constitution. The lawyer counsels me to apologise to the Chief Justice for my liberty. I was not inclined to do so. I was not in contempt of court. I committed no criminal offense. I did nothing to justify the arrest. I was a victim of abuse of judicial office.
28. I was escorted into the courtroom and the Chief Justice mentioned my name. She inquired if I have anything to say. I did not say anything. I did not apologise. I was silent and hesitant to talk. I was shocked and traumatised by her treatment. She realised the predicament she put me in and turned to lawyer Addo Attuah. She listened to the lawyer and declared "You are discharged." I left the courtroom traumatised and humiliated.

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29. I went to bed early than usual due to trauma and humiliation. At about 9:00pm I was called and alerted by colleague about online viral media portal awash with news of my arrest and detention. It was the law platform news portal which first published that I was arrested, detained and discharged and released for shouting at the court. The Ghanaweb and other news portals followed up with same story.¹¹ I must say that the media reports were inaccurate in respect of the reason for my arrest and detention.

30. The media reported that a lawyer and senior police officer shouted at the court and was arrested and detained. The publications suggested I am unprofessional police officer and lawyer who disrespected the judges and was arrested, detained and released. However, I did not offend the court, I did not insult any judge.

31. I did not commit criminal offence, and I did not commit contempt of court. I did boldly refuse to accept her unwarranted ascription of my competence and skills as senior barrister. She was emotionally bruised and abuse her judicial office to order my arrest and detention without justification or regards to due process of law.

32. On the matter of the arrest and detention and the media publication, I decided to request from the Supreme Court the record of what transpired. I applied for the judgment and record of proceedings¹² and obtained the ruling of the court¹³ which did not contain the off-judgment comments she made and my arrest and detention.¹⁴ I further applied for electronic record of the proceedings¹⁵ and was informed that no audio record is available on what transpired on the 14th November 2023.

33. I had to finally submit a search to obtain the record as to what transpired, Search report¹⁶. The search request was delivered to the Registrar of the court, Her Honour Ellen Ofei-Ayeh who doubles as Circuit Court Judge.

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

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

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

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

¹⁵ See Exhibit "D" - Application for electronic record

¹⁶ See Exhibit "E SERIES" - Search report

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34. I presented the search request to the registrar in the presence of the Deputy Registrars, Mr Nkansah and Mr. Aaron. I was informed by the registrar to wait because the search would have to be presented to the Chief Justice for her direction and approval of the answers. It was thus answered by the registrar under the direction, approval, instruction and supervision of the Chief Justice.

35. I received the search report and surprised it contained false statements and false entries to the effect that I was not arrested or detained. This constitutes fabrication of evidence in the search report. The Search report filed on 18th December 2023 states: *"was the applicant arrested in courtroom on 14th November 2023? NO. Was the applicant detained outside the courtroom on 14th November 2023? NO. Was there record of arrest and detention of applicant in the Court's Record Book? NO."*¹⁷

36. It contained fabricated evidence or false statements or false entries to deceive, cover up and pervert the course of justice. The search report denied my arrest and detention which constitute fabrication of evidence executed under the supervision and direction of the Chief Justice contrary to sections 213 and 214 of the Criminal Offences ACT 29. Its statements that I was not arrested and detained is complete falsehood. It concluded that no electronic recording was made on what transpired in court.¹⁸

37. I had to publish a rejoinder in the media in an attempt to refute false reportage and tell my story. The judicial service and the Chief Justice did not comment or issued statement to the media. The Ghanaian people and the public not properly informed of what transpired in court because no official communication was made to the public.

38. The arrest and detention of a Commissioner of Police and Barrister and Chartered Accountant by the Chief Justice is a public interest matter and required investigation. It is respectfully the case that only through this petition would the culpability or otherwise of the Chief Justice can be established.

¹⁷ See Exhibit "E SERIES" Search report

¹⁸ See Exhibit "E SERIES" Search Report

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

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

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

Every Judge is accountable

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

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

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

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

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

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

Suspension from office

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

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

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

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

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In-Camera and confidentiality

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

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

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Prima facie

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

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

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

Summary of the facts

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

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

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

Some legal perspective (issues) arising from the facts

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

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

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

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

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60. Subhead's issues and perspectives on the petition

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

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

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

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

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

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

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

¹⁹ The Code, Rule 1 Propriety Principle 2.

²⁰ The Code, Rule 1 Propriety Principle 1.

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

67. It is the case that the Constitution and statute law defined arrest and its circumstances. The law authorises police officers to arrest with or without warrant. A private person arrest is narrowly defined in situations where the offence is committed in his presence. Sections 9, 10 and 12 of the Criminal Procedure Act, 1960, (Act 30) supports the above statements.

68. A judge is not police officer and generally does not have police's powers of arrest as provided in sections 9, 10 and 12 of the Criminal Procedure Act, 1960, (Act 30). A judge's authority to arrest is clearly defined by law and the situation of 14th November 2023, did not authorise her as a judge to make the arrest in the manner she did.

69. It is the case that disagreeing response by a court user to a judge off-judgment remarks do not authorise the judge to order the arrest and detention of the court user. I can say with certainty that her order to arrest and detained me was contrary to statutes which conduct constitutes stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution, section 16 of the Judicial Service Act and the Code of Conduct for Judges.

70. I did not commit any criminal offence in the presence of a judge to order my arrest pursuant to section 17 of the Criminal Procedure Act, 1960, (Act 30): *"Where an offence is committed in the presence of a District Magistrate within the area of jurisdiction of the Magistrate, the Magistrate may arrest or order a person to arrest the offender, and may, subject to the conditions of the grant of bail, commit the offender to custody."*

71. I was not person for which facts were adduced on oath authorising her to order my arrest in pursuant to section 18 of the Criminal Procedure Act, 1960, (Act 30): *"Within the area of the jurisdiction of a District Magistrate, the Magistrate may arrest or direct the arrest in the presence of the Magistrate a person whose arrest on a warrant could have been lawfully ordered if the facts known at the time of making or directing the arrest had been stated before the District Magistrate on oath by another person."*

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

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

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

²¹ The Code, Rule 1 Propriety Principle 2.

²² The Code, Rule 4: Integrity Principle 1.

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

75. It is the case that the Chief Justice delivered the ruling of the court and afterwards made demeaning remarks that offended me. I respectfully submit that I did nothing in response to her comments save respectfully responding to her comments in two words: "I disagree." This innocuous response disagreeing with her demeaning comments against me made her to furiously order "arrest him, arrest him." I was arrested pursuant to her orders.

76. It is the case that my arrest was absurd because it's completely unreasonable to arrest because of response disagreeing with off-judgment demeaning comments by a judge and constitute abuse of judicial office and authority. I did not disturb the court proceedings save responding that I disagree with her comments against me. I did not obstruct court proceedings by disagreeing with the comments.

77. I did not in words or by conduct disrespect any judge by disagreeing with her comments against me. I did not challenge the authority of the court by disagreeing with her belittling comments against me. I did not challenge or insult any of the judges by disagreeing with the off-judgment disrespectful. I never disobey orders of the court or by disagreeing with the comments. I did nothing unreasonable or contemptuous of the court.

78. A fair-minded and reasonably informed person would not agree that disagreeing with a judge comment is arrestable. It is respectfully submitted that the arrest is contrary to the Code of Conduct for Judges: *"A judge shall make every effort to ensure that his conduct is above reproach in the view of reasonable, fair minded and informed persons."*⁴³

⁴³ The Code, Rule 4- Integrity Principle 1.

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

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

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

(a) that discretionary power shall be deemed to imply a duty to be fair and candid;
(b) the exercise of the discretionary power shall not be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law; and

(c) where the person or authority is not a judge or other judicial officer, there shall be published by constitutional instrument or statutory instrument, regulation that are not inconsistent with the provision of this Constitution or that other law to govern the exercise of the discretionary power."

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

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

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

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

88. It is the case that I respectfully disagreed with the Chief Justice's off-judgment demeaning comments against me. She spontaneously, unilaterally and without inviting the other members constituting the court reacted to my disagreement orders: "arrest him arrest him". Her order to arrest me was immediate, instantaneous, spontaneous and unilateral where there was no imminent threat to life or imminent disorderly conduct emanating from me and there was no appearance of a reasonable judicial urgency for her rush order to arrest, without the involving of the court properly constituted.

89. The court was constituted by five-member panel. It is submitted that the panel members may probably and reasonably not concur with her decision to arrest, hence her rush to unilaterally order the arrest. The involvement of the other panel members may have averted the arrest and detention. The order to arrest and detain is such a serious and substantive matter by itself with distinct cause of action which requires the court's decision, not unilateral action or prejudicial decision or by rush of anger or personal dislike.

90. Her unilateral decision to arrest was out of ego, prejudicial, arbitrary and personal resentment. She assumed onto herself powers of the court without recourse to the court. The arrest was contrary to the Code of Conduct for Judges: "*A judge shall respect and comply with the law, including the Code of Conduct and shall behave with decorum, propriety and utmost discretion.*"²⁵ *A judge shall not abuse the prestige of judicial office*²⁶

91. It is respectfully submitted that the arrest was unreasonably unilateral and resulted in my humiliation and embarrassment which constitutes stated misbehaviour and incompetent performance of duty otherwise prejudicial to the efficient conduct of the judicial service and tends to bring the judicial service into disrepute.

²⁵ The Code, Rule 1 Propriety Principle 1.

²⁶ The Code, Rule 1 Propriety/Principle 2.

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

92. The basic task of every judge is to keep accurate and true record of what transpired in the court's record book. The Supreme Court is a court of record judges are required to keep accurate and true record of proceedings. Failing or neglecting to record constitutes stated misbehaviour and incompetence and noncompliance with the Code of Conduct for Judges and section 16 of Judicial Service Act (CA 10).

93. The evidence as admitted in the search report is the Chief Justice did not record her order of arrest and detention: "*Was there record of arrest and detention of applicant in the Court's Record Book? NO*".²⁷ Respectfully, there was no proper record of what transpired in court before and after my arrest and detention.

94. It was deliberate failure to record thereby deny me a decisional record of the court's transgression which could enable me challenge the arrest in a review proceeding. It is the case that without evidential record that I was arrested and detained, I cannot take review action at the special and final review bench of the Supreme Court in respect of her excesses.

95. Her failure to record contravened the Code of Conduct of Judges and Magistrates, Ghana which provides "*A judge shall devote his professional activity to judicial duties broadly defined, which include not only presiding in court and making decisions, but other judicial tasks essential to the court's operations*"²⁸...*A judge shall endeavour to perform all judicial duties, including the delivery of reserved judgments, with reasonable promptness*"²⁹

96. Her failure or negligence to record her comments and order of arrest was to cover up her transgression which conduct constituted dereliction of duty to perform judicial task essential for the court's efficient operations, constituting stated misbehaviour and incompetence.

²⁷ Exhibit "E SERIES"

²⁸ The Code Rule 3 Diligence Principle 1

²⁹ The Code Rule 3 Diligence Principle 3

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

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

³⁰ Exhibit "E SERIES"

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

³¹ Exhibit "E SERIES"

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109. Propose Charge Sheet: stated misbehaviour and incompetence:

Count One

Statement of offence

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

Particulars of offence

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

Court Two

Statement of offence

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

Particulars of offence

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

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Count Three

Statement of offence

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

Particulars of offence

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

Count Four

Statement of offence

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

Particulars of offence

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

Count Five

Statement of offence

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

Particulars of offence

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

Count Six

Statement of offence

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

Particulars of offence

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

Count Seven

Statement of offence

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

Particulars of offence

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

Count Eight

Statement of offence

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

Particulars of offence

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

Count Nine

Statement of offence

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

Particulars of offence

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

Count Ten

Statement of offence

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

Particulars of offence

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

Count Eleven

Statement of offence

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

Particulars of offence

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

Court Twelve

Statement of offence

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

Particulars of offence

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

Count Thirteen

Statement of offence

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

Particulars of offence

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

Count Fourteen

Statement of offence

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

Particulars of offence

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

Count Fifteen

Statement of offence

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

Particulars of offence

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

Count Sixteen

Statement of offence

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

Particulars of offence

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

Conclusion

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110. This my respectful petition is made in good faith to ensure judicial accountability. The Chief Justice is equal before the law. She is accountable for omissions arising from the exercise of judicial office. The prescribed procedure towards judges' accountability is provided in article 146 of the Constitution, section 16 of the Judicial Service Act and the Code of Conduct for Judges and Magistrates, Ghana.
111. I did nothing criminal to be arrested and detained on her orders. I did not commit contempt of court. She made demeaning comments specifically directed at my person. I did respond disagreeing with her demeaning comments. Suddenly, she furiously and unilaterally orders my arrest and detention for disagreeing with her demeaning comments.
112. She abuses the sacred judicial office by wrongly caused my arrest and detention. The arrest and detention were capricious, unreasonable, unilateral and without justification, constituting stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution. The arrest and detention infringed on my rights, dignity and resulted in pain, trauma and humiliation.
113. She failed or neglected to perform her judicial duty of recording the occurrence in the court's record book. She authorised, supervised and approved false statements or false entries in the search report. The supervised the false statements in the search was intended to deceive, cover up or obstruct or pervert the course of justice, constituting criminal fabrication of evidence, contrary to statutes, the Code of Conduct for Judges and consistent with stated misbehaviour and incompetence as provided in article 146 (1) of the Constitution.
114. The means of making her accountable is this removal petition. The petition and it exhibits are true, accurate, reliable, cogent and established prima facie case of judicial misconduct and incompetence.
115. The petition together with the evidence satisfy the threshold for her suspension pending investigation by your committee. Her continues stay in office pending investigation likely to interfere with witnesses and investigation. If found culpable after investigation, she ought to be removed from office to serve as deterrence, no matter whose axe is gored.

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

117. Witnesses and source of evidence:

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

Respectfully submitted, Your Excellency.

PETITIONER


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

IN THE NEWS

Supreme Court arrests and detains lawyer for Contempt of Court

THE LAW PLATFORM

© UPDATED Nov 29, 2023



Mr. Afolabi Yakubu Ayemba, an Assistant Superintendent of the Ghana Police Service and a lawyer with the Legal Department of the Service was arrested and detained on 4th of November 2023 during proceedings in the

LAW
PLATFORM

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

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

[Ad]



BOATLINE ENT.

Kwabena Olori Boateng (C.E.O)
 Location: Abossey Okai
 Opp. Belge Capital
 P.O. Box 15875, Accra
 Kwabena Boateng123@gmail.com
 0243233368 / 0546021258

Boatline Enterprises
 Boatline Enterprises

Boatline

TOYOTA NISSAN HYUNDAI KIA MITSUBISHI

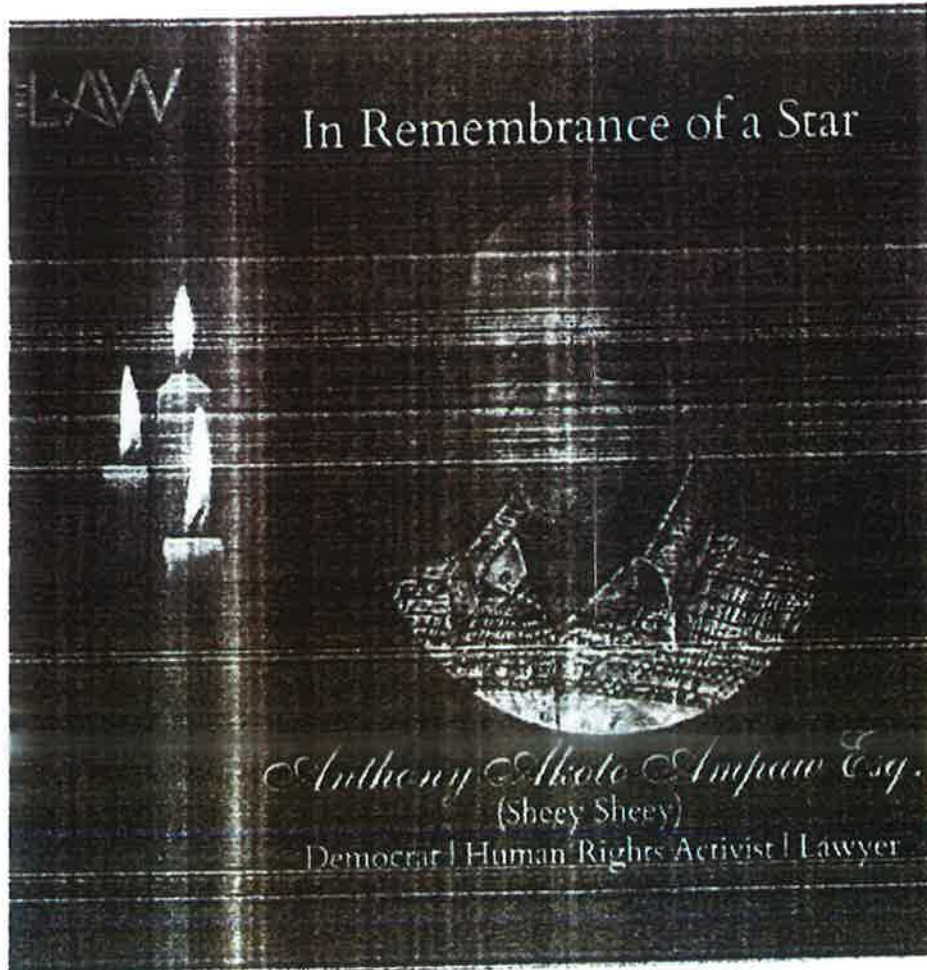
Given the report and complaint by lawyer on the other side against the conduct of Mr. Ayamga at the Takoradi High Court, Her Ladyship the Chief Justice was worried about the conduct of Mr. Ayamga at the bar in courts below the Supreme Court given the display of his unethical conduct to no less a court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

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

LAW
PLATFORM

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

(Ad)



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

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

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Gertrude Torkomoo, Chief Justice



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

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

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

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

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

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

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

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

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

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

Justice Nwando, on the other hand, used the opportunity to deliver a brief lecture on effective advocacy, likening it to the art of oratory. He reminded the audience that trials are won by persuasion, not aggression, prompting laughter from both the gallery and the bench.



REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

Jubilee House, Accra
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Digital Address: GA-000-0288

Ref. No.

008 307/25/1590

22nd April 2025

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

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

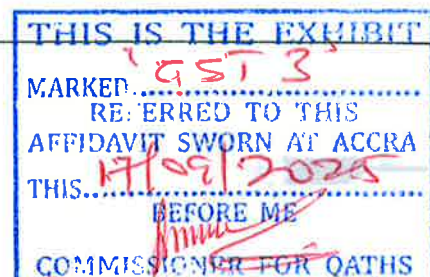
Following the receipt of three separate petitions from Mr. Daniel C'ori (dated 17th March 2025), the group called Shinning Stars of Ghana acting by Kingsley Adjei (dated 14th February 2025), and Ayamga Y. Akolgo Esq. (also dated 14th February 2025), seeking your removal from office for stated misbehaviour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

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

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

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

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



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

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

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

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

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



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

ATTN: HER LADYSHIP JUSTICE GERTRUDE ESAABA SACEY TORKORNOO

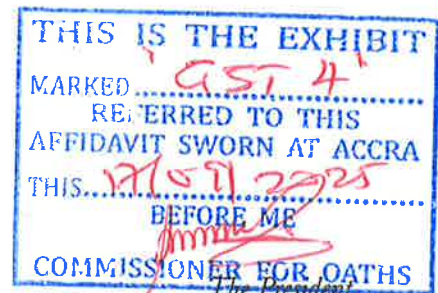
Cc:

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



REPUBLIC OF GHANA

Jubilee House



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

TO ALL WHOM IT MAY CONCERN

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

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

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

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

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

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

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

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



**JOHN DRAMANI MAHAMA
PRESIDENT OF THE REPUBLIC**

RECEIVED
JUL 1 2025



EXHIBIT GST 5

OFFICE OF THE PRESIDENT

SECRETARY TO THE PRESIDENT

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

Ref. No. Ofs/100/25/3070

1st September, 2025

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

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

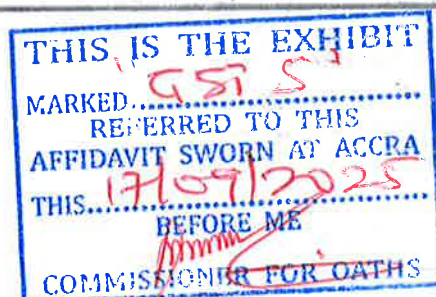
In accordance with Article 146(6), the President, in consultation with the Council of State, constituted a five-member Committee chaired by Justice Gabriel Scott Pwamang (Justice of the Supreme Court) to Inquire Into the petition and recommend whether you ought to be removed from office. Other members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

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

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

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

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



RESTRICTED

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

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

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

The Committee recommended your removal in the following terms:

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

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

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

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


CALLISTUS MAHAMA Ph.D.
SECRETARY TO THE PRESIDENT

THE CHIEF JUSTICE
JUDICIAL SERVICE
ACCRA

ATTN: HER LADYSHIP JUSTICE GERTRUDE ARABA ESAABA SACKEY TORKORNOO



REPUBLIC OF GHANA

WARRANT OF REMOVAL

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

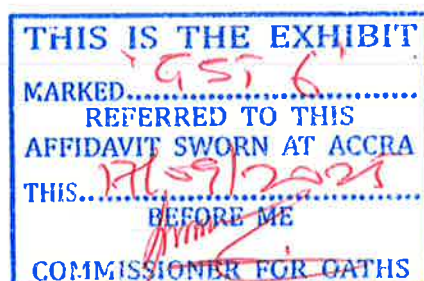
TO ALL TO WHOM THESE PRESENTS SHALL COME

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

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

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

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





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

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

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

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

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



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NOW THEREFORE, KNOW YE ALL MEN that I, **JOHN DRAMANI MAHAMA, President of the Republic of Ghana**, in pursuance of the said Article 146(9), do hereby **REMOVE** the said **Chief Justice, Justice Gertrude Araba Esaaba Sackey Torkornoo**, from the office of Chief Justice and Justice of the Supreme Court, with effect from the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Presidential Seal to be affixed at Accra this 1st of SEPT 2025.


JOHN DRAMANI MAHAMA
PRESIDENT OF THE REPUBLIC