

HIS EXCELLENCY THE PRESIDENT
JUBILEE HOUSE
ACCRA

Your Excellency,

RESPONSES TO CHARGES IN PETITION FOR THE REMOVAL OF THE
HONOURABLE CHIEF JUSTICE BY DANIEL OFORI

Respectfully, the Petitioner has petitioned for the removal of the Chief Justice on grounds of 'stated misbehavior' and 'incompetence' pursuant to article 146 (1) of the 1992 Constitution. He states twenty-one (21) allegations of misbehavior and four (4) allegations of incompetence. He alleges that all of the twenty-five allegations relate to the discharge of my administrative roles and functions as Chief Justice.

RESPONSES

I respectfully set out my responses below.

It is my respectful submission that an article 146 procedure for removal Superior Court Judge, including the Chief Justice, requires that the Petition attaches evidence in support of the allegations stated as grounds of removal for the purpose of presenting a prima facie case. The finding of a prima face case relies on the existence of corroborating evidence that must convince the determiner (in this forum, His Excellency the President, or His Excellency

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the President in consultation with the Council of State), that the matters urged exist in fact, and are of such magnitude that they raise a prima facie presumption of wrong doing, which must necessarily be rebutted by the one accused. Unfortunately, despite the numbers of complaints submitted in this petition, no evidence of the subject matters raised have been presented to even raise a presumption of wrong doing.

Second, most of the complaints are in relation to third parties who have not indicated that they have authorized the Petitioner to pursue their rights. The Petitioner therefore will not have any standing in law, or capacity to substantiate the alleged wrong doings in a hearing.

Nevertheless, in order to assure His Excellency the President, and the Council of State that as Chief Justice, I have not conducted myself wrongly as is being alleged, I wish to humbly assist with the resolution of the complaints of the Petitioner by presenting, to the extent available to me, records on the various subject matters.

FIRST, SECOND, THIRD ALLEGATIONS - TICKETS AND PER DIEM OF CHIEF JUSTICE

The petitioner alleges that as Chief Justice, I misappropriated the sum of Gh¢261, 890 of public funds for my private foreign travel with her husband Mr. Francis Torkornoo and my daughter Miss Edem Torkornoo when according to him, neither person was entitled to have their travel paid for out of the funds of the Judicial Service of Ghana.

My humble response is that the allegation is an unfortunate untruth. Please find herewith the following evidence.

Paragraph B1 provides for two holidays for the Chief Justice in a year with 'Travel expenses, hotel accommodation and per diem to be borne by the judicial Service and capped at 14 days per round trip'

Exhibit DO (2) is the POLICY ON FOREIGN TRAVELS BY HEAD OF THE JUDICIARY AND SUPERIOR COURT JUDGES

Paragraph A (9) provides that 'The Chief Justice shall undertake unlimited official travels with either his/her Spouse or other person of his/her choice in a year, fully funded by the Judicial Service.'

Paragraph A (10) provides that 'Where the Chief Justice is accompanied by the Spouse or other person, he/shall travel on the same class of air ticket as the Chief Justice and shall be paid the equivalent of half the per diem paid to the Chief Justice'

This has been the policy of Judicial Service since 2010, as amended in 2019. Please see exhibit DO3

Exhibit DO(4) is a response to audit observation provided by the Judicial Secretary to auditors who sought clarification on the expenditure on the ticket purchased for my husband and daughter during my two holidays in 2023. On page 1 of Exhibit DO 4, the Judicial Secretary clarified that as Chief Justice, I opted to utilize the authorization in paragraph 9 and paragraph 10 of the Travel Policy to travel with my spouse and my daughter during my two holidays taken in September 2023 - pursuant to the conditions of appointment of the Chief Justice. In view of this option, there was no infraction occasioned when I opted to travel for my two holidays with my spouse on one occasion and my daughter on the second occasion. The Response to Observation 1 and Response to Observation 2 of exhibit DO4 provide explanation on expenditure on tickets for my husband and daughter that petitioner has unfortunately described as misappropriation of public funds by the Chief Justice.

Response on Page 3 of Exhibit DO4 further confirms that contrary to the unfortunate allegation that I failed to retire imprest of \$14,000 given to me

for my travel, I spent an amount of \$4,411 out of the said imprest and retired the remaining \$9,588.20. I also attach herewith exhibit DO 5 in further proof
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of the retirement of that imprest on 14th September 2023, on my second day at work after the said journey.

In September 2023, I fell ill from exhaustion when I arrived in Arusha and had to return to Ghana a day early, in order to ensure that I was able to have one full day to journey to Cape Coast for the annual conference of the Ghana Bar Association. This led to a change and re-routing of my return journey to Ghana through Ethiopia Airline. Page 4 of Exhibit DO 4 provides information on this.

It is therefore unfortunate that the Petitioner, an outsider to the records of Judicial Service, should create the wrong presentation of this expenditure used for the purchase of tickets for the Chief Justice.

I wish to state that as Chief Justice, I neither purchase travel tickets, nor determine the per diem issued to me or issued to the aides, security or persons who are required to travel with me. Neither do I authorize the per diem given to me for any journey. The said per diem is determined in accordance with rates set by the Article 71 Committee on Emoluments for the Chief Justice of the Republic. It is also administered by the Judicial Secretary and the Director of Finance of the Judicial Service. I am therefore incapable of misappropriating any public funds with respect to a ticket purchased for me or the person accompanying me on a journey, or the per diem issued. Indeed, I am not signatory to any account and do not have access to the accounts of Judicial Service.

FOURTH TO SEVENTH ALLEGATIONS- UNLAWFUL TAMPERING WITH COURT RECORDS

These allegations aver that as Chief Justice, I interfered with judicial proceedings in the case of Republic v Gyakye Quayson in Criminal Division

3. Nothing can be further from the truth.

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On July 28th 2023 I received an unusual report - Exhibit DO6 - that the Judge in Charge of Criminal Division 3 had lost digitally created records of proceedings in the said case. I immediately went with the Judicial Secretary and Director of ICT to the court to understand the issue and found that the problem was even more bizarre. The court records were reported to have been digitally changed.

After listening to the Judge, I met with all ICT staff in the auditorium and addressed them on the unfortunate situation that had happened, and sought their assistance in resolving the problem. Thereafter, I directed an investigation to be conducted into the incident.

Exhibit DO6a is the report from National Signals Bureau, the national institution with capability to investigate the nature of the incident. Exhibit DO7 and DO7a is the final report on the incident by the Committee appointed by the Judicial Service to investigate the role of the staff members who were identified as likely to have contributed to the breach in security of court records in Exhibit DO6.

In the fourth to sixth allegations, the Petitioner repeatedly complains that as Chief Justice, I was personally involved in the resolution of the incident and conducted myself unconstitutionally by not involving the accused person and his lawyers in the resolution of the incident involving court proceedings. That is an unfortunate misconception.

As head of the Judiciary and Judicial Service, I had no duty to interact with the lawyer of the accused person whose records had been changed within the court's computers. Further, apart from the first day when I went to the

court in the Law Court Complex on receipt of the report, I left all other processes to relevant officers. I had no personal contact with the staff named in all the reports.

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Included as Exhibit DO 8 are other records on the incident. Mr Baiden, the gentleman on whose behalf the Petitioner seems to be acting, remains a Deputy Director of Judicial Service, albeit on transfer from the E-justice systems in the Law Court Complex.

EIGHTH AND NINTH ALLEGATIONS - DANIEL OFORI'S CASES

The petitioner complains that I transferred execution proceedings in the case of Daniel Ofori v Ecobank Ghana Ltd CM/MISC/0829/2021 from the court of Justice Lodoh (Commercial Court 7) to the court of Justice Ellen Mireku (General Jurisdiction 8) in order to achieve an unnamed result that I could not achieve when sitting in the Supreme Court as a member of the panel in Daniel Ofori v Ecobank J8/114/2020 and J7/13/2020.

He also claims that I abused the power of the Chief Justice to transfer cases by ordering the transfer of a suit titled Ecobank v Daniel Ofori GJ/0902/23 pending before Justice Buansi to the court of Justice Mireku simply because I did not like an earlier decision of Justice Buansi.

Your Excellency. Both of these accusations are curious and unfortunate. It is important to clarify that the Petitioner in the instant petition is the party named in the various suits under reference, and so he has full access to the courts to resolve all his issues.

Equally, the allegations made by Petitioner were raised in the Petition of Professor Asare submitted to the then President, President Akufo-Addo, in December 2024, In that Petition, Professor Asare alleged that 1 had emboldened a Judge of the high court to make certain decisions in Daniel Ofori's cases after transferring Daniel Ofori's case from one court to another.

The statutory background to the function of transfers of cases exercised by the Chief Justice lies in section 104 of the Courts Act 1993, Act 459. It reads:
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- 1) Subject to the Constitution, the Chief Justice may by order signed by the Chief Justice, transfer a case from a Judge, or Magistrate, or Tribunal to any other Judge or Magistrate, and from one court to any other competent court at any time or stage in the cause of proceedings, and either with or without an application from any of the parties to the proceedings.
- 2) The order may be general or special and shall state the nature and extent of the transfer, and in a case of urgency, the power of transfer may be exercised by means of telegraphic, telephonic or electronic communication from the Chief Justice
- 3) A transfer of a case made by telegraph, telephone or electronic communication and not confirmed immediately by order signed and sealed in a manner specified by the Chief Justice or any other person authorized in that behalf by the Chief Justice is not valid.

Though this power is wide, it is never exercised arbitrarily. There must first be a recorded request for the said transfer, or record of the need for the transfer, and the discretion for ordering the transfer must be exercised with clear considerations. In directing cases between the same parties over the same cause of action to be heard by one Judge, considerations are also guided by which court has gone further in handling the issues between the

parties, or which court is handling reliefs that will dispose of the dispute effectively.

Transfer of suit entitled Ecobank v Daniel Ofori GJ/0902/23 from Justice Buansi to Justice Mireku

The facts behind this transfer are that Justice Buansi sought urgent permission to travel out of Ghana because both her husband and son unfortunately fell ill suddenly in 2023. Exhibit DO9 is attached in confirmation of this background. She was out of Ghana for months, and cases pending before her had to be transferred to other courts for hearing

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This is the only reason why the cases pending before Justice Buansi were distributed to other Judges such as Justice Mireku. Justice Buansi returned to Ghana in 2024, and has herself now been taken ill. She is currently out of Ghana and has submitted an application for one year leave without pay which is being considered by the Judicial Council.

Transfer of suit entitled Daniel Ofori v Ecobank Ghana Ltd
CM/MISC/0829/2021 from Justice Lodoh to Justice Mireku

One party in the different suits between Daniel Ofori and Ecobank in the High Court applied to my office to have this case involving the same parties and same dispute to be heard by one Judge instead of different Judges.

This is a fact acknowledged by the Petitioner because he says on page 4 and paragraph 13 of his petition that the transfer of this second case to Justice

Mireku's court was 'after receiving a petition from the lawyer for the Judgment Debtor/Respondent in suit number CM/MISC/0829/2021.' It is submitted that the admission of this knowledge makes his accusation decidedly unfounded.

Respectfully, this policy of judicial case management not to allow cases involving the same parties and subject matter to be heard by different Judges, in order to avoid different Judges making different decisions on the same subject matter and between the same parties did not start with me as Chief Justice.

This policy is also expressed in the cardinal rule of court found in Order 1 Rule 1(2) of the High Court Civil Procedure Rules CI 47 which reads:

'These Rules shall be interpreted and applied so as to achieve speedy and effective justice, avoid delays and unnecessary expense, and ensure that as far as possible, all matters in dispute between parties may be completely, effectively and finally determined and multiplicity of proceedings concerning any of such matters avoided'

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It is also the policy reasoning behind the rules on consolidation of cases and hearing of cases together. The allegations of the Petitioner that I abused my power of transfer in allowing a case before Justice Lodoh to be transferred to Justice Mireku are therefore extremely unfounded.

Petitioner's case in the Supreme Court

Because the Petitioner accuses me of trying to achieve an unidentified result in his cases before the Supreme Court, I will take the liberty to disclose to Your Excellency the limited context within which I have interacted with matters involving Mr. Daniel Ofori.

As a trial Judge in the High Court, I presided over a case between Databank Brokerage and a company called Danotel Ltd and the Petitioner, Mr. Daniel Ofori. I completed the trial after my promotion to the Court of Appeal in 2012. When I reached the Supreme Court, I was empaneled to sit on an application to review a judgment of the Supreme Court involving Daniel Ofori and Ecobank. Ecobank had won the suit in the High Court and Court of Appeal. The Supreme Court overturned the dismissal of Daniel Ofori's case by both the High Court and Court of Appeal. I joined the Supreme Court after it had given judgment in favor of the Petitioner, and I was empaneled when Ecobank sought a review of the Supreme Court judgment.

My opinion, which formed part of the minority decision on review, was that the Supreme Court's judgment ought to be reviewed.

Following this review decision, another application was filed and I was empaneled to sit on it. At the hearing, counsel for Daniel Ofori raised a protest that because I had presided over the suit involving Databank Brokerage, Danotel Ltd and Daniel Ofori in the High Court, I should withdraw from hearing the application. I drew attention to the fact that the two cases were different and the matter was adjourned sine die. After that

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date, I was not empaneled to sit on any case involving the Petitioner. That was my last contact with the Petitioner's cases in the court room. Since I became Chief Justice, I have been careful not to sit on any case involving these parties. and I have not sat on any case involving Daniel Ofori.

I make my judgment in the Danotel matter, and the judgments of the trial court and appellate courts in the Ecobank matter available for examination,

to settle the context of my limited contact with the Petitioner. They are attached as Exhibit DO10 series.

I wish to humbly use this opportunity to state clearly that I have no interest in Petitioner or the success or failure of his cases. It is therefore a very unacceptable situation that the Petitioner keeps presenting this matter, first through the Professor Asare petition, and now in his own name, as if his judicial fortunes depend on my position as Chief Justice.

The operation of the doctrine of Res Judicata in civil law and 'autrefois acquit in criminal law.

Respectfully, as already stated, allegations surrounding these Daniel Ofori v Ecobank cases were part of an earlier petition submitted by Professor Asare to His Excellency President Akufo Addo in December 2024. The President, in consultation with the Council of State, reached a conclusion on this allegation in these terms found on pages 12 of the determination submitted as Exhibit DO11:

'Reading the charge and the alleged supporting facts clearly indicates that charge, like the other charges in the petition, relies on conjecture and speculate more so, when the Petitioner himself (Professor Asare) has no personal knowledge of the matters that he complains about. A very dangerous precedent would be set if conjecture and speculation based on rumors were allowed to form the basis which the Chief Justice of the Republic could be removed. Such actions would undermine the integrity and independence of the Judiciary, erode public confidence

in the rule of law, and open the door to arbitrary and unwarranted attacks on the highest judicial office in the land'

The Chief Justice followed the Rules to ensure a complete, effective and final determination of all matters between the parties and avoid multiple proceedings. I, therefore, find no misbehavior or incompetence on the part of the Chief Justice on this charge to warrant further inquiry into the petition.'

It is my humble submission that the current forum of His Excellency the President, and the Council of State, which has received the petition and my response, is a forum created purposely by the 1992 Constitution to carry out the judicial function of determining whether a prima facie case has been made out for the removal of a Chief Justice. And to the extent that the same constitutionally mandated forum, albeit differently constituted, has dealt with the same facts and issues regarding this subject matter and arrived at a determination after due consideration, the subject matter would fall within the realm of res judicata.

The legal foundation for this protection from double jeopardy is found also in criminal justice under the doctrine of autrefois convict and autrefois Acquit

TENTH AND ELEVENTH ALLEGATIONS - Thomas Odei Boafo and Phillip Kumayi Daliba

The Petitioner alleges that I personally refused to comply with court decisions regarding the reinstatement of the above named staff who were dismissed and had law suits in court before I became Chief Justice. My respectful response is that as well as the Petitioner failing to show capacity to pursue the personal rights of the named persons these allegations are totally unfounded.

Page 11.

The decision of the high court to reinstate Thomas Odei Boafo was presented to Judicial Council for consideration and confirmation. The Judicial Council is working with information provided by the Attorney General. Kindly see relevant parts of the minutes of the Judicial Council as recently as that of its March meeting in Exhibit DO12. See also Exhibit DO12a and Exhibit DO12b.

In the case of Mr Daliba, this Petition represents my first encounter with his name. My enquiries from our legal department turned up court records that show that he has obtained judgment that he is trying to enforce against Judicial Service and the Attorney General. Please see Exhibit DO 13. The allegations have no foundation in fact.

TWELFTH ALLEGATION - Mr Musah

I wish to kindly submit that Mr Musah's dismissal was based on the conclusions of a committee that investigated allegations of his misrepresenting court records. Please see Exhibit DO14 series. The letter of dismissal only reflected the recommendation of the investigative committee.

THIRTEENTH ALLEGATION - Mr. Richard Boadi Acheampong

On account of the demise of Mr Richard Boadi Acheampong, it is not clear why Petitioner decided to present an accusation against the Chief Justice for his dismissal. Suffice it to be said however, that on enquiry, Exhibit DO series represents some of the records found on the background investigations into Mr. Boadi Acheampong's conduct and dismissal. They reveal that complaints against him commenced almost a decade before became Chief Justice.

FOURTEENTH ALLEGATION - Mr Fosu Gyeabuor

This fourteenth allegation is respectfully denied as absolutely unfounded.

Mr Fosu Gyeabuor's licence was suspended by the General Legal Council before I became Chief Justice. Records on this situation are attached as Exhibit DO 16.

From June to December 2023, the General Legal Council continued to receive regular updates on the litigation between Mr Fosu Gyeabuor and the General Legal Council. In January 2024, without a final resolution of this dispute and report to the General Legal Council, it was discovered that the license of Mr. Fosu Gyeabuor had been renewed. On enquiry, the Ghana Bar Association, which hosts that renewal duty for the General Legal Council, reported that their digital platform had experienced a system failure at the time that Mr Fosu Gyeabuor attempted to renew his license, and it was this system failure that had allowed the renewal of the licence. Records on how the Ghana Bar Association resolved this anomaly are attached as Exhibit DO 17.

The circular complained of, and statement issued by the Ghana Bar Association formed part of communications to clarify the status of Mr Fosu Gyeabuor's license to practice following the alleged mistake in renewing the license of Mr. Fosu Gyeabuor. It is also important to state that as on the date that this petition was created, Mr. Fosu Gyeabuor's license had been restored by the General Legal Council. Please see Exhibit DO 18. The allegations against the person of the Chief Justice are therefore unfounded.

SIXTEENTH ALLEGATION - Execution by Kasoa District Court

In the instant case, the petitioner submits no evidence of his allegation and my enquiries have found no evidence of the incident described. I respectfully submit that by his bare assertions, Petitioner has presented no

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material for a consideration of a prima facie case of wrong doing on the part of the Chief Justice. I also wish to state as follows:

Constitutional duties

Article 125(4) makes the Chief Justice 'responsible for the administration and supervision of the Judiciary'. The Chief Justice is the only Judge who has been made a member of the High Court, Court of Appeal and Supreme Court and every court pursuant to Article 136 to 142. The Chief Justice is the Chair of the Judicial Council, Chair of the General Legal Council, Chair of the Rules of Court Committee, and is responsible for every part of administration of law and justice in the country. This makes the Chief Justice responsible for knowing the state of affairs of every court, how lawyers are working, the needs of courts and every part of the legal and justice system. As leader of the justice delivery system, it is therefore the onerous duty of the Chief Justice to attend to every problem that citizens, lawyers and the courts encounter.

It is in this context that the office of the Chief Justice receives several petitions to solve problems encountered by court users every week. Sometimes they are delivered directly, and sometimes, they are forwarded from the Complaints Unit of the Judicial Service. There are Public Complaints Units also found in the different regions of the country. The steps taken to solve these petitions are done as part of the administrative functions of the Chief Justice under article 125 (4) of the 1994 Constitution.

My humble view is that to the extent that the matters described therein have not been shown to affect the Petitioner, and he does not attach any evidence, the allegations made present no assistance for consideration of wrong doing by the Chief Justice.

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SEVENTEENTH ALLEGATION - Nomination of Judges.

It is humbly submitted that the allegations raised herein are unsupported by the background to the said request for increase in members of the Supreme Court.

Your Excellency, on 17th December 2024, one Professor Asare presented a petition on inter alia, this same issue, to the President of the Republic. He sought the same relief sought by the current Petitioner, thereby invoking the process set out under article 146 for the removal of superior court Justices, including the Chief Justice.

The then President, His Excellency Akufo Addo, referred the petition to the Council of State, after requesting for the responses of the Chief Justice. I submitted my response to the President. The President, in consultation with the Council of State, conducted a consideration of whether the petition on this subject matter raises a prima facie case for removal of the Chief Justice.

The determination of the President, in consultation with the Council of State on this subject matter and found on pages 7 and 8 of their 'DETERMINATION OF A PRIMA FACIE CASE' set out the factual background to the request

complained about. A copy of that Determination dated 3rd January 2025 is already submitted as Exhibit DO 11.

On page 8 of Exhibit DO11, the Determination quoted from the decision of the Supreme Court in Chana Bar Association and Others v Attorney-General and Another; Sky v Attorney General; Danso-Acheampong Attorney [Consolidated Writs J1/21/2015; J1/22/2015] reported in 12 2016/2 SCGLR, judgment dated 20t July 2016.

The first quote came from the opinion of the court articulated by Dotse Se found on page 897 in these words:

'Whilst the President is mandated to seek the advice of the Judicial Council, and consult with the Council of State in the appointment process of Supreme Court Judges with the approval of Parliament, those advisory opinions are not binding on the President. He is entitled to disregard the advice, but he can also not appoint any person who has not gone through the three tier process of recommendation, i.e. Judicial Council, Council of State and Parliamentary approval'

The second quote came from the opinion of the Supreme Court articulated by Atuguba ISC found on page 891 of the law report in these words:

The Practice is that nominations for appointment to the Supreme Court come mainly from the Attorney-General, the Ghana Bar Association and the Chief Justice; and the Judicial Council sends their recommendations on successful candidates to the President, who then pursues the process to completion'

The conclusion of the Determination of the President, in consultation with the Council of State, on this subject matter found on page 8, therefore was

that 'No provision of the Constitution or law has been breached. The Petitioner has failed to establish any misbehavior or incompetence on the part of the Chief Justice to warrant her removal from office under this charge. Accordingly, this allegation is without any basis and is therefore dismissed'.

Respectfully, this consideration of the President and the Council of State was arrived at following review of the background to the request and the fact that my request rested on the established practice articulated by the Supreme Court in the Ghana Bar Association case. Further, the Determination followed consideration of the same facts and issues raised by the y

It is respectfully submitted that the rule not to try anyone twice on same facts and question in the same forum, is an entrenched rule of our jurisdiction. It is administered in civil law within the doctrine of res judicata arising from subject matter or issue estoppel. The legal foundation for this

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

Your Excellency. To the extent that this same august constitutional forum created purposely to resolve issues regarding the initial review of a Petition against any Chief Justice of the realm has concluded a determination on this issue, it is my appeal that the issue should be considered to be res judicata.

EIGHTEENTH AND NINETEENTH ALLEGATIONS - Transfer of Justice
Anokye Gyimah

It is submitted that the issue raised therein is also res judicata, having been raised in the petition of Professor Asare. It was considered and dismissed as disclosing no prima facie case of incompetence or stated misbehavior by the Chief Justice, on account of the duties of the Chief Justice under Chapter 11 of the 1992 constitution.

Your Excellency, for the purpose of making bare the necessary considerations when the Chief Justice transfers Judges to different courts in the nation, I wish to provide the following background to this transfer which is not expatiated in the earlier Determination.

At the time I assumed office in June 2023, I was briefed that persistent violations of due process in the High Court Tema, had become a security risk for the country. The Registrar of the Tema High Court had been reported to the security services and was on the run from the police. A few weeks before I took office, a new Judge with one year experience as a High Court Judge had been posted to one of the courts in Tema affected by persistent reports.

Knowing that a Judge with stronger experience and who work with expedition was needed to manage the void orders ostensibly emanating from the Tema court, and to deal expeditiously with applications to correct some of the dire results of the acts complained about by court users, I

transferred Her Ladyship P. Quansah I of the High Court from Kumasi to Tema to deal with the situation. This led to the transfer of the relatively junior Judge to the quieter environment of Winneba. At the same time, one Judge was deathly ill in Kumasi (unfortunately, he has since passed on) and so Quansah J's exit from Kumasi weakened the gap in Kumasi that needed to be filled by a Judge with robust health and equally strong skills. This is what led to Justice Anokye being transferred to Kumasi to fill this need.

My considerations in transferring Judges are guided by the onerous responsibilities placed on the Chief Justice to serve the whole country guided by the 1992 Constitution, the Courts Act 1993 Act 469, the Judicial Service Act and all relevant laws and policies of the Judicial Service. In the instant case, there was a need to restore confidence in the courts in Tema municipality without affecting the strength of adjudication in Kumasi.

TWENTIETH ALLEGATION - Hearing of application of Professor Margaret Kweku

On 16th December 2024, I received a process from the Registrar supported by a letter requesting that the Court of Appeal in Accra should be allowed to hear an ex parte application filed in Accra pursuant to an appeal scheduled to be heard in the Court of Appeal, Koforidua. Please see Exhibit DO 19 series. I noticed also that the ex parte application was headed as issued 'In the Court of Appeal Accra'.

I pointed out to the Registrar that to the extent that the notice of appeal - which gives the Court of Appeal jurisdiction to hear any application - was to be heard by the Court of Appeal in Koforidua, the proper procedure was to file the ex-parte application in Koforidua. The filing of a stand alone process in the Registry of the Court of Appeal in Accra could not confer jurisdiction on the Judges sitting in Accra to hear that stand alone process.

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Whoever heard the application in Accra would need to be given a warrant to conduct the hearing, and that duty compels me to make the right decisions. To the extent that it is the duty of the Chief Justice to provide warrants to Judges to hear cases and not that of the Registrar, the twentieth allegation is unfounded.

TWENTY FIRST ALLEGATION - Early hearing of an Ex-Parte Application

Throughout 2023 and 2024, several stakeholders engaged the Judiciary to make presentations on the need for expeditious hearing of election related issues. At every engagement, I led the Judiciary to provide assurances of efforts made to ensure early disposal of matters of national interest. At the request of the Elections Management Committee of the Judiciary, I issued the most recent Administrative Directions on 20th December 2024 to assist with expeditious disposal of parliamentary election disputes. The attached Administrative Directive as Exhibit DO 20 shows the commitment to early disposal of election related disputes that the Judiciary put on issues related to the national elections. It was in the spirit of discharging this responsibility that the ex parte application in issue was heard expeditiously by the Supreme Court.

Again, I wish to state that as a matter of administrative practice in registries of all courts, it is not out of place for ex parte application heard on the same date that they are filed.

SPECIFIC ALLEGATIONS OF INCOMPETENCE'

No. 27.

In response to paragraph 27 of the Petition, I state that the Honorable Judicial Secretary was neither appointed Judicial Secretary nor Justice of Court of Appeal by me as Chief Justice. Her Ladyship Justice Cyra Koranteng joined the Judicial Service as Judicial Secretary in the year 2018. She was appointed a Justice of the Court of Appeal in 2019. Justice Koranteng does not work in the secretariat of the Chief Justice but manages the secretariat of the Judicial Secretary. The allegations made are therefore, not factually right.

No 28 to No 30.

Your Excellency. I inherited a policy decision of the Judicial Council passed at its meetings of March and April 2023 to appoint Judges as Registrars of the Superior courts. Please find attached Exhibit DO21. This was before I became Chief Justice and a member of the Judicial Council. It is for the purpose of implementing this policy that Judicial Officers were appointed as Registrars of the Court of Appeal and Supreme Court on my assumption of office as Chief Justice in June 2023. The Petitioner has presented no evidence on how the management of the registries in issue by judges has rendered them inefficient. Further, even if this was his opinion Petitioner could have requested the Judicial Council, through the Chief Justice to review the policy.

It is my respectful submission that while the Petitioner has presented no evidence to buttress the alleged arbitrariness or unreasonableness of the matters he complains about, each of the decisions complained about has been sufficiently shown to be grounded in the Constitution, in policy and statutory and regulatory considerations and established practice. I therefore pray that the review leads to a Determination that no prima facie case of

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

Respectfully submitted. Thank you.

HL JUSTICE GERTRUDE SACKY TORKORNOO
CHIEF JUSTICE