

**HONOURABLE CHIEF JUSTICE
OF THE REPUBLIC OF GHANA**



1. President, Supreme Court
2. President, Association of Magistrates' and Judges
3. President, Ghana Bar Association

**REQUEST TO BE GIVEN COPIES OF PETITIONS SUBMITTED AGAINST
JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO (CHIEF
JUSTICE OF THE REPUBLIC OF GHANA) BEFORE CONCLUSION OF
CONSULTATIONS BETWEEN HIS EXCELLENCY THE PRESIDENT AND
THE COUNCIL OF STATE UNDER ARTICLE 146(6)**

Please find attached a copy of letter addressed to the following persons:

- a. His Excellency The President of the Republic of Ghana;
- b. The Honourable Doe Adjaho, Chairman of Council of State and Former Speaker of Parliament;
- c. The Honourable Justice Sophia Akuffo, Member of Council of State and former Chief Justice of the Republic of Ghana.

In the said letter, I humbly request for copies of the petitions to remove me from office as a Chief Justice.

Please accept my compliments.



**JUSTICE GERTRUDE SACKY TORKORNOO
CHIEF JUSTICE**



HONOURABLE CHIEF JUSTICE OF THE REPUBLIC OF GHANA



1. His Excellency The President, Jubilee House
2. The Honorable Doe Adjaho, Chairman of Council of State and Former Speaker of Parliament
3. The Honorable Justice Sophia Akuffo, Member, Council of State and Former Chief Justice of the Republic of Ghana
4. The Council of State

REQUEST TO BE GIVEN COPIES OF PETITIONS SUBMITTED AGAINST JUSTICE GERTRUDE ARABA ESAABA SACKKEY TORKORNOO (CHIEF JUSTICE) BEFORE CONCLUSIONS OF CONSULTATIONS BETWEEN HIS EXCELLENCY THE PRESIDENT AND THE COUNCIL OF STATE UNDER ARTICLE 146 (6)

Respectfully, on the night of Tuesday 25th March 2025, a communication from the Presidency was circulated on social media announcing that the President has received three petitions for my removal as Chief Justice of the Republic of Ghana pursuant to article 146 of the 1992 Constitution.

The communication further stated that the President had forwarded the three petitions to the Council of State to commence the consultation process mandated by article 146 (6) of the 1992 Constitution.

Respectfully, as you are no doubt aware, it is the most fundamental precept of the common law and our constitutional dispensation ingrained into the justice delivery process, that no consideration that affects the rights of a defendant can be made unless the defendant has been given notice of the contents of a charge, and an opportunity to respond to them. Further, no defendant can be subjected to a trial unless the preliminary process of receiving their response has been adhered to. This forms part of the age old audi alteram partem rule of natural



justice, and the fundamental rights of citizens under article 19, article 23, and article 296 of the 1992 Constitution, and all decisions in Ghana's jurisprudence.

Up to date on 27th March 2025, I have not been shown the three petitions mentioned in the communication of 25th March 2025 or given an opportunity to respond to them, which material is expected to form the premise for the consultations between the Council of State and His Excellency the President under article 146 (6), as to whether there is a need to set up the Committee of Inquiry described in article 146 (6) and 146 (7) for the trial of any issues raised.

As you are aware, when a petition for removal of a Superior Court Judge under article 146 (1) is forwarded to the Chief Justice, the first requirement of due process is for the Chief Justice to bring the petition to the attention of the accused Judge, and to obtain their response to the petition. This is the right afforded every citizen in justice delivery, and it is provided for in the article 146 procedures. In my time as Chief Justice, I have handled five such petitions for removal of superior court Judges, and heard from them before determining whether a prima facie case has been made against them to merit the setting up of the investigative committee provided for under article 146 (4).

It is the combination of the evidence in the petition, and the response of the Judge that guides the Chief Justice to determine, as a sole enquirer under article 146 (3), whether a prima facie case has been established against the Judge, to merit the setting up of the investigative committee of three Justices and two eminent citizens to conduct a hearing of the complaint against the Judge pursuant to article 146 (4).

Respectfully, in the case of the Chief Justice, please allow me to submit that it is the combination of the evidence in the petition, and the response of the Chief Justice, that provides the material for consultation between His Excellency the President and eminent members of the Council of State under article 146 (6). These two sources serve to guide whether a prima facie case has been established, such that a Committee of Inquiry should be set up under article 146 (7) to inquire into whether the Chief Justice may be removed from office. This

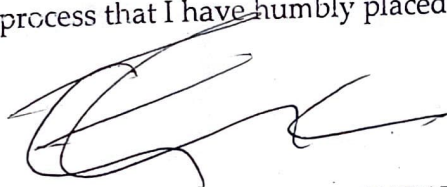


JUDICIAL

is the direction of the Supreme Court in the case of **Agyei -Twum v Attorney-General and Akwettey** [2005-2006] SCGLR 732.

I am by this letter humbly and respectfully asking His Excellency the President and eminent members of the Council of State to **forward the petitions against me to me, and allow me at least seven days after receipt of same**, to provide my response to you, which response can then form part of the material that you conduct the consultations anticipated under 146 (6), before the possible setting up of a Committee of Inquiry under article 146 (7).

Thank you very much in anticipation of consideration of these matters of due process that I have humbly placed before you. Respectfully submitted



JUSTICE GERTRUDE SACKEY TORKORNOO
CHIEF JUSTICE

