



## SUSPENSION OF THE CHIEF JUSTICE OF GHANA

The Commonwealth Magistrates' and Judges' Association (CMJA), Commonwealth Lawyers Association (CLA) Commonwealth Legal Education Association (CLEA) are concerned about the recent suspension of the Chief Justice of Ghana, Chief Justice Gertrude Torkornoo and the procedure reportedly being followed in that connection.

The existence of an independent and impartial judiciary is one of the cardinal features of any country governed by the rule of law. By virtue of its membership of the Commonwealth, Ghana has committed to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, democratic principles including an independent and impartial judiciary. Any measure on the part of the Executive or Legislature which is capable of being seen as eroding the independence and impartiality of the judiciary is a matter of serious concern and is in danger of eroding public confidence in the legal system as a whole. The Commonwealth Charter states:

*" .. we support an independent, impartial, honest and competent judiciary and recognise that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice"*

The *Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003)*, which form part of the Commonwealth fundamental values state that disciplinary proceedings which might lead to the removal of a judicial officer should include *'appropriate safeguards to ensure fairness'* that is to say, the right to be fully informed of the charges against them, to be represented at a hearing, to make a full defence and to be judged by an independent and impartial tribunal. This includes the right to hear directly from petitioners and to ensure that due process is followed, especially in relation to the timeliness of the process. We note with concern the decision of the investigating committee to allow petitioners to use witnesses instead of attending themselves does not follow the rules of due process. The decision to deny her legal representative the respect required when attending the hearing of the committee does not comply with the Latimer House Principles in regard to ensuring fairness, not to mention the location of the hearings which the Chief Justice has indicated in her affidavit did not follow previous Section 146 hearings which were held in judicial facilities. Holding the committee meetings once a week until the investigation is also of concern as all disciplinary measures should be resolved in a timely manner.

Furthermore these Principles require that judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties

The Constitution of the Republic of Ghana at Section 146 states:

*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.*

5 June 2025.

**Commonwealth Magistrates' and Judges' Association (CMJA)**  
**Commonwealth Legal Education Association (CLEA)**  
**Commonwealth Lawyers Association (CLA)**

#### NOTE TO EDITORS:

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. [www.cmja.org](http://www.cmja.org)

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. [www.clea.ac](http://www.clea.ac)

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [www.comonwealthlawyers.com](http://www.comonwealthlawyers.com)