



The Bar Council



Thursday 14 August 2025

**The Bar Council of England and Wales and the Commonwealth Lawyers
Association statement on the suspension
of the Chief Justice of Ghana**

The Bar Council of England and Wales and the Commonwealth Lawyers Association expresses serious concern over the suspension from office on 22 April 2025 of the Chief Justice of Ghana, Her Ladyship Justice Gertrude A.E.S. Torkornoo who was appointed the Chief Justice of the Republic of Ghana on 12 June 2023 by former President Nana Addo Dankwah Akufo-Addo.

The existence of an independent and impartial judiciary is one of the cardinal features and bedrock of any country governed by the rule of law and Ghana has for several years displayed a strong commitment to 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, including, crucially, the maintenance of an independent and impartial judiciary. Any measure or action taken by the Executive which is capable of being seen as impacting an independent judiciary is a matter of serious concern. As of 4th July 2025, the Chief Justice has filed a lawsuit at the ECOWAS Court of Justice, challenging the constitutionality of her suspension. This follows earlier domestic challenges in which the Chief Justice raised concerns about procedural fairness, judicial independence, and compliance with constitutional safeguards.

The Commonwealth Charter is clear in its statement on this issue. Ghana is of course, a full signatory to that Charter:

"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 any hearing, to make a full defence and to be judged by an independent and impartial tribunal.

We reiterate the serious concerns expressed in the joint statement of the Commonwealth Lawyers Association, the Commonwealth Magistrates' and Judges' Association, and the Ghana Bar Association, and we record with regret:

- a. The decision to continue to suspend the Chief Justice which *prima facie* is in clear breach of Ghana's Executive's constitutional duties and the principles underpinning them which require that judges should be subject to suspension or removal only for reasons of incapacity or stated misbehaviour that clearly renders them unfit to discharge their duties;
- b. We respectfully remind and refer to the Constitution of the Republic of Ghana at article 146 which 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.

- c. The decision of the investigating committee/authority to permit petitioners to use witnesses instead of attending themselves to answer questions on their petitions against the Chief Justice; that does not follow the rules and norms of due process; and
- d. The decision to deny the Chief Justice's legal representative the respect required when attending the hearings of the investigating committee, contrary to the Latimer House Principles, which underline the duty to ensure fair and just process; and
- e. The delay in the disciplinary measures which should have been resolved in a timely manner in pursuance of the importance of upholding the rule of law, natural justice and the Constitution of Ghana.

With pressing concern, we therefore call upon the President of Ghana and the Executive government of Ghana to:

1. Immediately and without delay, reinstate the Chief Justice of Ghana to her Office, consistent with both the hitherto strong attachment to the rule of law demonstrated by Ghana and also, the constitutional duties incumbent upon them; and
2. Afford the Chief Justice due and fair process in the investigation and determination of the disciplinary matters brought against her including (but not limited to) full and transparent access to that process by her legal representatives; and
3. Provide clear and transparent rules of procedure to guide the disciplinary process which must include the time frame within which the investigating committee must conclude the disciplinary process against the Chief Justice, without any further delay and communicate that decision of that process to all concerned in upholding the rule of law in Ghana.

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

The **Bar Council** represents approximately 17,000 barristers in England and Wales. It is also the Approved Regulator for the Bar and discharges its regulatory functions through the independent Bar Standards Board. A strong and independent Bar exists to serve the public and is crucial to the administration of justice and upholding the rule of law.