



Commonwealth Lawyers Association Further Expression of Views Regarding Suspension of the Chief Justice of Ghana

The Chief Justice of Ghana, Her Ladyship Justice Gertrude A.E.S. Torkornoo was appointed the Chief Justice of the Republic of Ghana on 12 June 2023 by former President Nana Addo Dankwah Akufo-Addo.

She was suspended from office on 22 April 2025.

A statement from President John Dramani Mahama's office on 1 September 2025 announced that the President had removed the Chief Justice effective immediately from her office. The statement said the President's decision was based on a report by the investigating committee that found grounds of "misbehaviour".

The CLA's mandate includes the preservation, promotion and the defence of the independence of the judiciary throughout the Commonwealth.

In accordance with its mandate, and upon fully apprising itself of the issues, the CLA supported the statement issued on 24 April 2025 by its member organisation, the Ghana Bar Association ("GBA").

The CLA issued a Statement of Concern on 7 May 2025 in which, among other observations, the CLA urged all parties involved in the process concerning the Chief Justice "to be mindful" of the Commonwealth Charter, Latimer Houses Principles, the UN Basic Principles on the Independence of the Judiciary and the principles set out in "The Appointment, Tenure and Removal of Judges under Commonwealth principles: A Compendium and Analysis of Best Practice". This Statement also exhorted "that accepted principles and standards in Administrative Law for the conduct of the process be adhered to" and expressed the hope that "all parties involved in the matter will act reasonably and proportionally".

Since the CLA Statement on 7 May 2025 there have been 2 further statements made jointly by the CLA with others.

On 5 June 2025 the CLA, jointly with the Commonwealth Magistrates' and Judges' Association and the Commonwealth Legal Education Association, observed:

"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."

More recently, on 14 August 2025, the CLA, jointly with the Bar Council of England and Wales, called for the revocation of the suspension of the Chief Justice and for due and fair process in the investigation and determination of the disciplinary matters brought against her and further called for clear and transparent rules of procedure to guide the disciplinary process, including that the Chief Justice be given a fair hearing by internationally recognised standards in accordance with the rule of law.

As set out above the CLA has made observations concerning due process, procedural and substantive fairness based upon settled international norms and standards in Charters, Treaties and Conventions to which Ghana subscribes along with the other members of the Commonwealth and after due consideration of the Constitution of the Republic of Ghana, particularly Article 146 of the Constitution.

The CLA further considers it critical that there is fidelity to the letter and spirit of the Constitution and the rule of law in respect of the proceedings to remove the Chief Justice. In this regard, any departure from the presumption of innocence, establishing the allegations to the requisite burden and standard of proof, and the proper scrutiny of the evidence – including that of the maker/s of the allegations – impairs any determination or decision, arising from the proceedings, to dismiss the Chief Justice.

The CLA respects each nation's sovereignty but that does not prevent the CLA as an independent organisation concerned with upholding the rule of law, from making observations and issuing Statements concerning judicial independence.

The CLA stands unashamedly and fervently behind judicial independence, which provides a bulwark to uphold the freedoms enshrined in Constitutions, protects the people by ensuring rights are upheld and holds those in authority to account.

Without judicial independence, authoritarianism and despotism will have space to flourish - to the detriment of fundamental freedoms which benefit the people throughout the Commonwealth of Nations. Freedoms of fair process, of association, and of expression are protected by an independent Judiciary.

Thus, when considering a dismissal of any Judge, and in particular a leading senior judge, due process, administrative fairness, transparency and adherence to the Constitution are vital. Political considerations, and particularly political interference, should have no place in this process.

In drawing attention to these issues, the CLA raises public awareness and reminds all involved in the administration of justice of their heavy responsibilities to uphold and adhere to the rule of law.

Should her Ladyship seek to challenge the President's decision to remove her from office, she must be afforded all fair and reasonable opportunity to do so. Any failure of process to challenge the decision would itself amount to an undermining of the independence of the judiciary in Ghana.

Commonwealth Lawyers Association (CLA)

11th September 2025

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. commonwealthlawyers.com