REPUBLIC OF GHANA

OFFICE OF THE PRESIDENT

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Ref. No. OS 307/25/08

3rd January, 2025

Dear Prof. Asare

RE: PETITION FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE OF THE REPUBLIC OF GHANA [HER LADYSHIP GERTRUDE SACKEY TORKORNOO CJ] PURSUANT TO THE PROVISIONS OF ARTICLE 146 OF THE 1992 CONSTITUTION OF THE REPUBLIC OF GHANA

Reference is made to your petition received at the Office of the President on 18th December, 2024, on the above subject.

I have been directed by the President of the Republic to forward to you, his determination, in consultation with the Council of State, on whether or not your petition invoking article 146 (6) of the Constitution for the removal of the Chief Justice discloses a prima facie case.

Please acknowledge receipt of this letter and the President's determination.

Yours sincerely,

KOW ABAKA ESSUMAN, ESQ.
AG. SECRETARY TO THE PRESIDENT AND
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The Chairperson
Council of State
State House, Accra

REPUBLIC OF GHANA

3rd January, 2025

RE: PETITION FOR THE REMOVAL OF THE HONOURABLE CHIEF JUSTICE OF THE REPUBLIC OF GHANA [HER LADYSHIP GERTRUDE SACKEY TORKORNOO CJ] PURSUANT TO THE PROVISIONS OF ARTICLE 146 OF THE 1992 CONSTITUTION OF THE REPUBLIC OF GHANA

DETERMINATION OF PRIMA FACIE CASE

By a letter, dated 17th December 2024, received officially at the Office of the President on 18th December 2024, signed by one Professor Stephen Kwaku Asare, a petition for the removal of the Chief Justice, Mrs. Justice Gertrude Sackey Torkornoo, CJ, was delivered to my office. The petition was unsupported by any exhibits or attachments.

Before proceeding with whether a prima facie case has been established, it is important that I comment on how the petition was submitted to my office. On the evening of 17th December, 2024, the attention of my office was drawn to a news publication that a petition to remove the Chief Justice had been lodged with me. Enquiries at the records office revealed that no such petition had been submitted. Further enquiries conducted on 18th December, 2024 revealed that the petition had been left in an envelope at the outer reception of the Office of the President without any indication as to what was contained therein. The person who submitted the envelope asked the receptionist for their name and telephone number and wrote the information obtained on the copy of the petition that found its way into the public domain on the evening of 17th December, 2024. It is instructive to note that the handwritten information on the copy of the petition circulated in the public domain stated that the petition, dated 17th December, 2024, was purportedly received at the Office of the President on "16/12/24", a day before the petition was prepared and signed.

The circulation of the petition on social media and in the public domain by the Petitioner or his agent or assign was a flagrant breach of the Constitution. As the Petitioner should be aware, proceedings under article 146 are to be held in camera. Article 146 (8) states:

> *All proceedings under this article shall be held in camera, and the Justice or Chairman against whom the petition is made is entitled to be heard*

in his defence by himself or by a lawyer or other expert of his choice." The Supreme Court has held that all proceedings include the petition itself.

In **Agyei-Twum v. Attorney-General and Akwettey** [2005-2006] 732, the Supreme Court held that:

> *The constitutional requirement in article 146 (8) that the impeachment proceedings be held in camera would be defeated if the petitioner were allowed to publish his or her petition to anyone other than the President. Such publication was likely to lead to the petitioner's allegations being aired in public, while the judge's response could only be considered in private. That would lead to grave adverse public relations consequences for the Judiciary. The institution of the Judiciary could be undermined without any justification. Accordingly, a petitioner under article 146 might not disclose the contents of his or her petition to the media; nor, indeed, to any person other than the President. He or she might reveal the fact that he or she has presented a petition to the President, but not its contents, if the purpose of the framers of article 146 (8) of the 1992 Constitution was to be adhered to.*

The Petitioner, a lawyer and a self-acclaimed advocate for good governance, breached this fundamental constitutional provision, which seeks to protect the integrity of the Judiciary, by circulating his petition in the media before the President, to whom the petition was addressed, had an opportunity to see it. Indeed, the Petitioner's actions betrayed a keen interest in resorting to public theatrics in a matter as serious as this and, by so doing, undermined the institution of the Judiciary, as this petition concerned no other person than the Chief Justice, without any justification whatsoever. There has not been a statement or any documentation from the Petitioner delivered to my office apologising for this patent breach of the Constitution.

It is noted that the Constitution neither provides any penalty for such unconstitutional disclosure nor affords any remedy available to a party affected by the unconstitutional disclosure. The Supreme Court in **His Lordship Justice Paul Uuter Dery v. Tiger Eye P.I. and 2 Others** (4th February 2016) [Suit No. J1/29/2015] held that the breach of article 146 (8) amounted to a procedural infringement for which specific remedies may be available, but it does not truncate the proceedings. However, the Court identified five different modes of expressing disapproval with breach of the "*in*

camera provisions", which the party affected by the petition (in this case, the Chief Justice) may consider against the Petitioner.

By a letter, dated 18th December, 2024, I consulted the Council of State, in accordance with the terms of article 146 (6) and the teachings of the Supreme Court in **Agyei-Twum v. Attorney-General and Another** [2005-2006] SCGLR 732, in determining whether the petition discloses a *prima facie* case against the Chief Justice, which determination may warrant the appointment of a committee under article 146 (6) of the Constitution.

By a letter, dated 2nd January, 2024, the Council of State conveyed to me its conclusions on the consultation as to whether a *prima facie* case has been established against the Chief Justice.

Accordingly, in consultation with the Council of State, I make this determination of whether a *prima facie* case has been established against the Chief Justice, Mrs. Justice Gertrude Sackey Torkornoo, to warrant the appointment of a committee under article 146 (6) of the Constitution to inquire into the petition.

Basis for *prima facie* determination

Article 146 of the Constitution provides the procedure for the removal of Justices of the Superior Courts of Judicature. It allows for a petition to be presented for the removal of a Justice of the Superior Court for "*stated misbehaviour or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind*".

Article 146 (3) and (4) require the President, on receipt of a petition for the removal of a Justice of a Superior Court other than the Chief Justice, to refer the petition to the Chief Justice, who shall, first, determine whether there is a prima facie case, before setting up a committee to investigate the complaint.

In the specific case of the removal of the Chief Justice, article 146 (6) stipulates:

> *Where the petition is for the removal of the Chief Justice, the President shall, acting in consultation with the Council of State, appoint a committee consisting of two Justices of the Supreme Court, one of whom shall be appointed chairman by the President, and three other*

persons who are not members of the Council of State, nor members of Parliament, nor lawyers.

It is noted that article 146 (6) of the Constitution does not expressly provide for a prior determination of a prima facie case by either the President or Council of State, before the President proceeds to appoint a committee in the manner stipulated to investigate the complaint. However, the Supreme Court has affirmed the necessity for the determination of a prima facie case in respect of a complaint against a Justice of the Superior Court to be extended to the Chief Justice in processes under article 146 (6). In **Agyei-Twum v. Attorney-General and Akwettey** [2005-2006] 732, the Supreme Court unanimously speaking through Dr. Date-Bah JSC, held at page 786, as follows:

> *"Fourth, I do, however, declare that upon a proper purposive construction of the whole of article 146 in the context of the 1992 Constitution viewed in its entirety, the Chief Justice must be given the benefit of a prior determination of whether a prima facie case had been established against him before the President may lawfully establish a committee to consider a petition for his removal. This prima facie determination is to be made by the President with the Council of State. Thus, as claimed in the plaintiff's fifth relief, the consultation by the President with the Council of State has to determine in respect of the appointment of a committee to inquire into a petition for the removal of a Chief Justice has to determine first whether the said petition discloses a prior prima facie, before the President may proceed to the appointment of the committee, again in consultation with the Council of State."*

This decision of the Supreme Court, in the exercise of its exclusive jurisdiction to interpret the Constitution, is binding upon me.

Allegations of the Petitioner

The Petitioner alleges that the Chief Justice sought to increase the number of Justices on the Supreme Court, which, in the Petitioner's view, amounted to an attempt to amend the Constitution. Furthermore, the Petitioner claims that the Chief Justice failed to seek the advice of the Judicial Council when forwarding certain names to the

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President for consideration, asserting that this constituted misbehaviour and incompetence.

Additionally, the Petitioner accuses the Chief Justice of arbitrarily reconstituting judicial panels and transferring justices, thereby interfering with constituted panels. He alleges that the Chief Justice did not provide explanations or articulate any public interest reasons for these actions. Specific examples cited by the Petitioner include the Opuni trial and appeal, the Ablakwa case, and Republic v. Elisha Mahama and 2 Others.

The Petitioner further contends that the Chief Justice breached the Constitution by issuing Practice Directions and Administrative Guidelines, asserting that these actions usurped the authority of the Rules of Court Committee. Lastly, the Petitioner alleges that the Chief Justice's handling of the case, Daniel Ofori v. Ecobank, by assigning it to a single judge despite involving the same parties and issues, emboldened the presiding judge.

It must be emphasised that the Petitioner did not provide any evidence to substantiate the allegations contained in the petition.

Whether there is a prima facie case for removal of the Chief Justice, Her Ladyship Justice Gertrude Sackey Torkornoo

In determining whether there is a *prima facie* case for the removal of the Chief Justice, I consider the allegations contained in the petition in order to assess whether, on account of those allegations, a presumption of misbehaviour or incompetence by the Chief Justice has been established by the Petitioners to warrant the appointment of a committee by me to inquire into the petition. The essential question is, are the matters contained in the petition sufficient to establish misbehaviour or incompetence on the part of the Chief Justice as to warrant her removal from office, or do they raise a presumption which, if not rebutted, will be sufficient to constitute misbehaviour or incompetence resulting in the removal of the Chief Justice?

The 2nd Edition of Black's Law Dictionary defines *prima facie* as:

> At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably. A litigating party is said to have a prima facie case when the evidence in his favor is sufficiently strong for his opponent to be called on to answer it. **A *prima facie***

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> **case, then, is one which is established by sufficient evidence, and can be overthrown only by rebutting evidence adduced on the other side.** In some cases, the only question to be considered is whether there is a prima facie case or no. [Emphasis added.]

It is, thus, clear from the above that implicit in the determination of a *prima facie* case is the necessity for a party (the complainant, petitioner or plaintiff, as the case may be), to produce enough evidence or facts to allow the adjudicator to make such determination in his favour. A complainant, petitioner or plaintiff bears the burden to advance facts based on which the adjudicator or person exercising a quasi-judicial function will hold that a presumption of wrongdoing has been raised in his petition against the one named as respondent to the proceedings in question in respect of the subject matter of the inquiry.

In discharging my duty enjoined by the combined effect of article 146 (3), (4) and (6) of the Constitution, and as held by the Supreme Court in **Agyei-Twum v. Attorney-General and Akwettey** (supra), I will confine myself solely to assessing whether, assuming the allegations of the Petitioner as expressed in the petition were factually accurate, a presumption of misbehaviour as stated or incompetence, has been established against the Chief Justice to warrant her removal from office.

The Petitioner states in paragraph 2 that the petition focuses on stated misbehaviour and incompetence related to the Chief Justice's administrative functions as head of the Judiciary responsible for its supervision and administration under article 125 (4) of the Constitution. The Petitioner then sets out the basis for his petition, which are (a) the recommendation to increase the number of Supreme Court Justices, (b) the reconstitution of panels and transfer of Justices, (c) the issuance of practice directions and administrative guidelines, and (d) placing the hearing of cases involving the same parties before the same High Court in a dispute between Daniel Ofori and Ecobank.

Recommendation to increase the number of Supreme Court Justices

The Petitioner's allegation that the Chief Justice seeks to amend the Constitution to increase the minimum number of Justices on the Supreme Court is completely misplaced and founded on an erroneous understanding of both the facts leading to the recommendation made by the Chief Justice and the constitutional provisions on the subject. At no point has the Chief Justice suggested increasing the minimum number of Justices on the Supreme Court. It is important to note that the effect of

the letter written by the Chief Justice to the President was to rather increase the number of Justices of the Supreme Court from the conventional, not fewer than fifteen Justices to twenty Justices. The question of an amendment of the Constitution to increase the number of Justices services on the Supreme Court from the "conventional not fewer than fifteen to twenty Justices" does not arise, contrary to the contention of the petitioner, since the Constitution does not stipulate an upper limit for the number of Justices that may serve on the Supreme Court. Indeed, the Chief Justice did not request an amendment to the Constitution.

The Petitioner would have obtained the answers he seeks through his petition if he had written to the Chief Justice for an understanding of the processes leading up to the recommendation made by the Chief Justice. To commence the serious business of removing a Chief Justice on a lack of knowledge of the processes leading to the recommendation to increase the number of Justices on the Supreme Court is very unfortunate.

Furthermore, the Petitioner attaches no evidence whatsoever in support of this allegation but instead, paragraphs 17 and 19 state that he has reliable information. He fails to state the source of the information and does not provide any evidence to support the information he claims he has. Should this be allowed to stand, it will open the floodgate for hearsay to form the foundation and basis for removing a Chief Justice from office. Indeed, the Petitioner is not a member of the Judicial Council and has not provided any information as to any sources he has within the Judicial Council to substantiate, at the very least, the allegations of matters he recites as having taken place at meetings of the Judicial Council. I am, thus, unable to accept those facts in support of the allegations made by the Petitioner.

The appointment of Supreme Court Justices is clearly spelt out in the Constitution. The appointment is made by the President acting on the advice of the Judicial Council, in consultation with the Council of State and with the approval of Parliament. In November 2023, the Chief Justice, in her capacity as head of the Judiciary, responsible for the administration and supervision of the Judiciary, drew my attention to the large backlog of cases at the Supreme Court, which was making the Court inefficient and ineffective leaving many cases unheard and undecided. She informed me of the sensitisation she had undertaken with the current Justices of the Supreme Court, the Judicial Council and the Speaker of Parliament. I requested a brief to justify the increase, which she submitted in a letter dated 7th February, 2024. There was no

indication of an intention to amend the Constitution in the brief. The contentions of the Petitioner are clearly bizarre.

Upon receipt of the brief, I sought the views of the Attorney-General and the Ghana Bar Association. The Attorney-General gave his opinion, concurring with the recommendations of the Chief Justice. The President of the Ghana Bar Association also gave his opinion and made some suggestions.

The Supreme Court in **Ghana Bar Association and Others v. Attorney-General and Another** [20th July, 2016; Consolidated Writs JI/26/2015, JI/21/2015, JI/22/2015] was very clear that:

> *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.*

Furthermore, the Supreme Court affirmed the practice of nominating justices to the Supreme Court. The Court held as follows:

> *That 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.*

Thus, there is nothing irregular or unlawful in the Chief Justice making a suggestion about potential nominees to the Supreme Court. I could only follow through the appointment processes if I received advice from the Judicial Council on the nominations submitted to it per the practice stated in the **Ghana Bar Association and Others v. Attorney-General and Another** [supra]. No provision of the Constitution or law has been breached. The Petitioner has failed to establish any misbehaviour 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.

Reconstitution of panels and transfer of justices

The Petitioner's allegation of reconstitution of panels and transfer of justices is based on "*reported incidences*". The Petitioner states in paragraph 24 that "*There have been reported incidences of the Chief Justice's direct interference with duly constituted panels with no explanations or public interest reasons for so doing.*" The Petitioner fails to submit any evidence to support this allegation. He also fails to demonstrate the source of these "*reported incidences*". Who reported them? Where were they reported? These alleged reported incidences cannot even be treated as hearsay evidence. At best, they are conjecture and speculation, which have no place in a petition to remove a Chief Justice from office.

While the Petitioner's alleged "*reported incidences*" are nothing but conjecture and speculation, they also reveal a lack of appreciation of the administrative responsibilities of the Chief Justice. Again, reading the law or a letter to the Chief Justice by the Petitioner would have enlightened him on these administrative responsibilities, which are well supported by legislation.

The **Courts Act, 1993 (Act 459)** assigns statutory duties to the Chief Justice for managing the work of the courts through the transfer of judges and cases. Section 104 of the Courts Act provides as follows:

> *Section 104—Power to Transfer by the Chief Justice.*
>
> *(1) Subject to the provisions of the Constitution, the Chief Justice may by order under his hand transfer a case at any stage of the proceedings from any Judge or Magistrate to any other Judge or Magistrate and from one court to another court of competent jurisdiction at any time or stage of the proceedings and either with or without an application from any of the parties to the proceedings.[As amended by the Courts (Amendment) Act, 2002 (Act 620), sch. to s.7]*
>
> *(2) The order may be general or special and shall state the nature and extent of the transfer and in any case of urgency the power of transfer may be exercised by means of a 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 authorised in that behalf by him shall be of no effect.

The power granted to the Chief Justice to transfer cases may be exercised at any time or stage of the proceedings. It may be by a general or special order and shall state the nature and extent of the transfer. There is no obligation on the Chief Justice to provide any reasons for exercising this power. Indeed, section 104 (3) makes it clear that a transfer will be of no effect if it is communicated by telegraph, telephone or electronic communication and is not confirmed by an order signed by the Chief Justice. The demand by the Petitioner that the Chief Justice provide reasons for the transfers she makes in exercising her power under section 104 of the Courts Act is not supported by law or any policy. Same is rather in violation of the clear stipulations of both the Constitution and the Courts Act.

On the matter of reconstitution of panels to hear cases, the Chief Justice has the responsibility to constitute appellate panels and reconstitute a panel if the need arises. The constitution of panels by the Chief Justice ensures that work is distributed evenly among the justices. Other factors that the Chief Justice considers include gender balance and the availability of judges.

The examples cited by the Petitioner as the basis for this charge against the Chief Justice show a complete misapprehension of the legal position regarding the transfer of judges and the reconstitution of panels. They also reveal that the charge is based on conjecture and speculation, which I cannot entertain in such a petition. This charge is accordingly dismissed.

Issuance of Practice Directions and Administrative Guidelines

The Petitioner's allegation is that the Chief Justice has usurped the Rules of Court Committee's functions by issuing Practice Directions and Administrative Guidelines. He argues that the issuance of these documents is unconstitutional. Practice Directions have been part of the tools the courts use to administer justice. They are derived from well-known practices of the courts and are issued to bring consistency and certainty to procedures known to the courts that are yet to be set out in writing in the Court's rules. Order 82 (1) of the **High Court (Civil Procedure) Rules, 2004 (C.I. 47)** provides as follows:

Where in respect of any matter of procedure, no provision is made by these Rules, the practice for the time being in force in any common law country may where convenient, be applied.

Furthermore, the **High Court (Civil Procedure) (Amendment) Rules 2019 (C.I. 122)** regarding electronic service of court processes empowers the Chief Justice to issue Practice Directions on how processes may be served electronically. There are many examples of Practice Directions issued over the years that have aided the courts in administering justice.

Concerning the assertion that the issuance of Administrative Guidelines contravenes article 159 of the Constitution, which authorises the Chief Justice to act in accordance with the advice of the Judicial Council and with the approval of the President to formulate regulations for the efficient operation of the Judicial Service and the Judicial Council, it is important to recognise that Article 159 pertains to Regulations for the administration of the Judicial Service as an institution and the Judicial Council as a constitutional body. Furthermore, Article 159 does not pertain to the Administrative Guidelines issued by Chief Justices for the effective management of court registry activities carried out within the framework of judicial delivery.

On this charge, it is determined that no misconduct or incompetence has been attributed to the Chief Justice. Instead, it is evident that the Petitioner has displayed a profound misunderstanding of the well-established practices of the courts and the Chief Justice's role in ensuring the effective management of justice delivery.

Placing the hearing of cases involving the same parties before the same High Court in a dispute between Daniel Ofori and Ecobank.

The Petitioner's allegation is that the Chief Justice caused cases involving the same parties to be placed before one High Court Justice, which emboldened the judge to make certain decisions. In paragraph 60 of the petition, the Petitioner states, "*There can be no doubt whatsoever that the Chief Justice is the reason for the seeming boldness of the High Court Judge whose attention having been drawn to the Supreme Court's ruling that the High Court's earlier ruling could not affect the Supreme Court ruling still went ahead to brazenly and purportedly stay the Supreme Court ruling.*" The Petitioner has not stated whether or not he is a party in the dispute, nor has he made any statement that he is counsel representing any of the parties in the dispute.

Furthermore, the Petitioner, like all the other charges contained in his petition, has not provided a single shred of evidence to support this allegation he makes.

If the parties in this matter are aggrieved by the High Court's decision, they have various legal remedies available. However, such remedies do not include the engagement of a so-called advocate purporting to represent good governance in submitting a petition for the removal of the Chief Justice. This practice is, in fact, extraneous to established legal practice and fundamentally incompatible with the principles of good governance.

Reading the charge and the alleged supporting facts clearly indicates that this charge, like the other charges in the petition, relies on conjecture and speculation. More so, when the Petitioner himself has no personal knowledge of the matters that he complains about. A very dangerous precedent would be set if conjecture and speculation based on rumours were allowed to form the basis upon 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.

Placing cases involving the same parties before one judge instead of different judges is a long-standing policy for dealing with multiple cases between the same parties which relate to the same or similar subject matter. It is for this reason that Order 1 Rule 1 (2) of the **High Court (Civil Procedure) Rules, 2004 (C.I. 47)** provides as follows:

> *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 or such matters avoided.*

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 misbehaviour or incompetence on the part of the Chief Justice on this charge to warrant further inquiry into the petition.

Applying my mind to the demands of the task before me, I have no hesitation in finding that the Petitioner's complaint does not disclose a *prima facie* case for further action under article 146 (6) of the Constitution.

The Supreme Court in **Agyei-Twum v. Attorney-General and Akwettey** (supra), held per Prof. Ocran JSC at page 797, that:

> *... the whole of article 146 is in the nature of impeachment proceedings; and this recognition or insight should inform the nature, if not the form, of the document put out as a petition... Without attempting to evaluate the merits of the substantive complaints, it is distressing to note that nearly all of them consist of second and third generation allegations against the Chief Justice. Very little emanates from the personal knowledge of the petitioner, nor is there an express showing that the events being recounted by him as the basis for the removal process were disclosed or narrated by him by the victims of aggrieved judges in the context of lawyer-client relationship. The narration of the events sounds very much like the sort of things that anyone could pick up from the rumour mill.*

Prof Ocran JSC, at page 802, gave the following admonition:

> *There is the need to insulate the Chief Justice from frivolous petitions while insisting on transparency and accountability in the exercise of his functions.*

The Council of State, in its letter, dated 2nd January, 2025, conveying its conclusions on the consultation with me on the petition, observed that the Petitioner did not seem to have a clear understanding of the laws and rules governing the administration of justice and the peculiar role and powers given to the Chief Justice for the proper administration of the judicial service. The Council concluded firmly that the petition for the removal of the Chief Justice, Her Ladyship Gertrude Sackey Torkornoo, does not disclose any facts of wrongdoing and, therefore, no *prima facie* case had been made upon which the Council could make a recommendation for an investigation to be conducted. The Council advised me to dismiss the petition as being frivolous and vexatious.

On the strength of all of the above, I find that no *prima facie* case is disclosed by the instant petition for the removal of the Chief Justice. The petition is devoid of any basis warranting the setting up of a committee under article 146 (6). To entertain further proceedings on the basis of conjecture, speculation and misunderstanding of legal principles and well-established practices, as the petition is replete with, will violate legally acceptable standards of fairness.

Date-Bah JSC, author of the lead judgment in **Agyei-Twum v. Attorney-General and Akwettey** (supra), on the issue of the handling of petitions which do not meet the threshold of article 146, expressed himself thus:

> *...Once any petition, no matter how frivolous its contents are, is presented to the President, then he has a duty to establish a committee to consider it. A literal reading of the provision, therefore, could lead to the floodgates being opened for frivolous and vexatious petitions being continuously filed against a serving Chief Justice, with two Supreme Court judges being perpetually tied down to hearing such petitions, alongside the other members of the committee that the President has to appoint. This is a scenario that would weaken the efficacy of the top echelon of the Judiciary.*

It is obvious from the above that the Supreme Court, in interpreting article 146 (6), had in mind unmeritorious and unwarranted petitions such as the instant one. The petition is dismissed accordingly.

NANA ADDO DANKWA AKUFO-ADDO
PRESIDENT OF THE REPUBLIC