

PRESS CONFERENCE ADDRESSED BY FIFI FIAVI KWETHEY, GENERAL SECRETARY OF THE NATIONAL DEMOCRATIC CONGRESS (NDC) ON EXPOSING PRESIDENT AKUFO-ADDO'S UNHOLY AND UNCONSTITUTIONAL PLOT TO PACK THE SUPREME COURT OF GHANA WITH ADDITIONAL FIVE (5) JUDGES

THURSDAY, 4TH JULY 2024.

1. Ladies and gentlemen of the press, thank you for honoring our invitation. Today, we gather not just as members of the media, but as defenders of democracy, guardians of justice, and voices for the voiceless.

2. Our beloved country stands at a critical crossroads. The very pillars of our democracy are under siege by an administration that has shown a blatant disregard for the rule of law and the sanctity of our independent institutions. And it is our moral duty to defend it. We must unite under a common cause to fight to preserve the integrity of our judiciary and the very soul of our democracy.

3. Ladies and Gentlemen, it will shock you to know that President Akufo-Addo, who has already packed the Supreme Court with an unprecedented 15 appointments, is now conspiring with Chief Justice Gertrude Araba Esaba Torkonoo to add five more judges to our highest court. This isn't just a political maneuver of an already exiting failed President; it's an assault on our democracy, a betrayal of public trust, and a direct threat to the integrity of our judicial system.

4. Imagine the dire consequences of this reckless action. This government stops at nothing and is determined to create a judiciary that is no longer a check on executive power, but a mere extension of it. This is not the Ghana our forefathers fought for; this is not the democracy we pledged to uphold. Our nation deserves better, and it is our duty to stand up and protect the very foundations of our democratic society

5. Despite the huge number of judges appointed by President Akufo-Addo to the Superior and lower Courts and the 15 judges that he has already appointed to the Supreme Court in particular, the NDC has become aware of a grand conspiracy hatched by President Akufo-Addo and the Chief Justice, Gertrude Araba Esaba Torkonoo to appoint additional five judges to the Supreme Court.

6. We have sighted a shocking and deeply disturbing letter from Chief Justice Gertrude Torkonoo to President Akufo-Addo, requesting the appointment of five new judges to the Supreme Court of Ghana.

7. This request from the Chief Justice is not only a blatant violation of our Constitution but also a flagrant disregard for the established customs and traditions that guide the nomination of judges to our nation's highest court.

8. The names of the five judges put forward by the Chief Justice in her unconstitutional, unsolicited, and self-serving request to the President include Her Ladyship Justice Angelina Mensah Homiah, His Lordship Justice Eric Kyei Baffour, His Lordship Justice Edward Amoako Asante, Her Ladyship Justice Cyra Pamela C.A Koranteng, and Her Ladyship Justice Afia Asare Botwe, the judge currently presiding over the persecution of Hon. Minority Leader, Dr. Cassiel Ato Forson.

9. It is instructive to note that this brazen, unsolicited request from the Chief Justice, dated 30th May 2024, was promptly received by President Akufo-Addo on 4th June 2024.

10. Subsequent to that, the Attorney-General, who is also the chief persecutor of the Minority Leader in the court of Justice Afia Asare Botwe, brazenly followed with another letter dated 21st June 2024, expressing support for the Chief Justice's unsolicited and unconstitutional request.

11. With the President, the Chief Justice and the Attorney-General in agreement, and in furtherance of the President's grand agenda to pack the courts and annex the judiciary as an extension of the New Patriotic Party (NPP), an emergency Judicial Council meeting was hurriedly convened on 24th June, 2024 by the Chief Justice who is also the chair of the Judicial Council.

12. At the said meeting, the Chief Justice who on the face of the records initiated the unsolicited request for the additional five justices to be appointed to the Supreme Court, presented the Attorney-General's letter of 21st June, 2024 to make a case to the Council for these appointments. Interestingly at that meeting, the Chief Justice remained completely silent about her own unconstitutional and self-serving request to the President.

13. Our unimpeachable sources tell us that the Judicial Council however unanimously stood against the reckless schemes of both the President and the Chief Justice. We are further informed that all the members of the Judicial Council rejected the proposal, citing poor and dangerous timing, especially with general elections only six months away.

14. Members of the Judicial Council insisted that the next government be given the opportunity to consider the arguments for the expansion in the number of Supreme Court Justices, if at all necessary.

15. Ladies and Gentlemen, we have in our possession a letter signed by the President of the Ghana Bar Association, Yaw Acheampong Boafo esquire, dated 29th April, 2024 and addressed to President Akufo-Addo.

16. In this letter, the Ghana Bar Association objected to the clandestine approach by President Akufo-Addo to appoint five additional judges to Ghana's Supreme Court, thereby increasing the number of judges on the Supreme Court to 20. President Akufo-Addo with the connivance of the Chief Justice, had sought to hide his attempt to further pack the Supreme Court, under the guise of a proposal for a minimum ceiling of 20 judges on Ghana's Supreme Court bench.

17. The GBA's disagreement, which we find well-grounded and well-reasoned, is premised on the fact that the President's proposal should have come in the form of a proposed amendment of Article 128(1) of the 1992 Constitution, to set a new ceiling for the number of judges on the Supreme Court, which currently consists of the Chief Justice and a minimum of nine other Justices.

18. The GBA argued forcefully that the request by President Akufo-Addo and Chief Justice Gertrude Torkonoo to increase the minimum number of Justices of the Supreme Court to 20 will lead to the circumvention of the required constitutional amendments, hence their rejection of same.

19. The GBA proposed a review of the conventional number of Justices of the Supreme Court every ten years, calling for broader consultations with other key stakeholders such as the Council of State and Parliament.

20. From the foregoing, it is clear that the Chief Justice sought to put forward the names of these judges as though they were being proposed by the Attorney-General on behalf of President Akufo-Addo.

21. We are completely shocked and scandalized by the extent to which the Hon. Chief Justice was prepared to consciously side-step due process and even breach the constitution just to please the President and aid him execute his unholy agenda to pack the Supreme Court.

22. It is for good reason that Article 144(2) of the 1992 Constitution enjoins the President to make such appointments to the Supreme Court on the advice of the Judicial Council, in consultation with the Council of State, and subject to parliamentary approval.

23. In the wisdom of the framers of the Constitution, this consultative process is designed to protect the independence of the judiciary.

24. Contrary to this constitutional imperative, the Chief Justice singularly constituted herself into the Judicial Council and unilaterally acted in its name and on its behalf.

25. By electing to write to President Akufo-Addo, requesting for these appointments and seeking a post-facto ratification from the Judicial Council, the Chief Justice sought to turn the Council into a mere rubberstamp.

26. Nowhere in the Constitution is the Chief Justice named as the one to recommend persons to the President for appointment to the Supreme Court.

27. We wish to state without any equivocation that the Chief Justice's letter is illegal and of no effect. Her actions have completely turned due process on its head and compromised her independence as the head of the judiciary.

28. We are concerned about a worrying pattern which irresistibly suggests that the President is appointing only loyalists of his party to these courts to have control of the judiciary and escape post-regime accountability.

29. It is also very clear that the President is packing the courts ahead of the impending presidential and parliamentary elections with judges who are sympathetic to his party.

30. Such deliberate politicization and bastardization of independent institutions of state, including the judiciary, can negatively impact the peace and stability of our democracy.

31. It is trite knowledge that without a fair and impartial judiciary, democracy and constitutionalism suffer. That is why this must be an issue of huge national concern as it adds to the many other issues that already pose threats to the peace and stability of Ghana's democracy.

32. Already, President Akufo-Addo has appointed as many as 15 judges to the Supreme Court of Ghana, since 2017. This exceeds the seven appointments made to the Supreme Court by both President John Evans Atta Mills and President John Mahama over the eight years preceding 2017; President Mills appointed three judges to the Supreme Court while President Mahama appointed four justices to the apex court.

33. If President Akufo-Addo and the Chief Justice are not restrained in their unholy alliance to appoint five additional judges to the Supreme Court, it will bring to 20 the number of judges appointed by President Akufo-Addo alone to the Supreme Court.

34. While the Constitution of Ghana does not put a cap on the number of judges to be appointed to the Supreme Court, it is very clear that the framers had operated on a reasonable assumption that all Presidents would be mindful of endless appointments to the apex court and its consequences. The framers of the constitution clearly did not contemplate an Akufo-Addo presidency where the apex court is packed with loyalists of the President and his party.

35. With general elections set to take place in a few months, we are of the view that President Akufo-Addo must immediately halt his plans to make any further appointments to the superior courts. This is in view of the fact that he has already packed the courts with too many of his loyalists to the disbelief of many right-thinking Ghanaians and consummate democrats.

36. Again, there are enough judges on the bench at this particular point in time to deal with judicial issues.

37. More importantly, with elections on the horizon, it is fair that any such appointment with far-reaching implications on this constitutional democracy should be left for the next President of Ghana.

38. After all, President Akufo-Addo abdicated his position as President a very long time ago when he said that the next President will fix the economic mess that he and vice President Alhaji Bawumia have created.

39. The President must be reminded that such lopsided appointments, particularly to the judiciary, is a big factor in the widely held perception of a politically biased and hostile judiciary in the administration of justice at the apex court, especially in matters involving the NDC.

40. President Akufo-Addo must therefore take a cue and desist from any further appointments to the Supreme Court at this time in order to help de-escalate the perception of bias on the part of judiciary.

41. The latest maneuvering between the Chief Justice and the President adds to a series of happenings in the Judiciary that paint a picture of bias and imbalance. Further packing of the courts will do very little to restore trust and confidence in the Judiciary which is at an all-time low.

42. It can, in fact, fuel legitimate concern that it is being done to ensure the presence of an overwhelming number of Judges sympathetic to the current regime who could be called upon to shield members of this government from scrutiny and frustrate any future efforts at exacting accountability from them when they leave power.

43. The NDC finds the retort by the Chief Justice that the latest abortive appointments were necessary because of the load of cases, completely untenable.

44. Furthermore, we have noted a trend of very speedy promotion of relatively newly minted Judges over and above their more experienced seniors at the Bench. This undermines the spirit of meritocracy which is essential for proper administration of Justice and holds the potential to pressurize such Judges into delivering rulings that may catch the eye of the appointing authority.

45. Also, the unexplained transfers of some Judges, in the immediate aftermath of their Judgements in high-profile political cases raises eyebrows. The impression created from this is that Judges who do not conform to some expectation of the Chief Justice and the President would receive subtle retribution cloaked in administrative processes, for their troubles.

46. Democratic governance requires that certain standards are met within all arms of government. At no point must independent institutions of state be joined at the hip with the executive to further its interests.

47. Friends from the media, the current posturing of the Chief Justice and her involvement in the nomination of more Judges to the Supreme Court, do not inspire confidence that the Judiciary is sufficiently independent from the Akufo-Addo/Bawumia administration.

48. Again, the naked abuse of power by President Akufo-Addo and his over-zealous desire to control all arms of government poses a grave danger to our democracy and governance arrangements. President Akufo-Addo must note that the ongoing happenings in Kenya serve as a reminder that there is a tolerable limit for the abuse and excesses of the Executive.

To Conclude, we are calling on all Ghanaians to rise up against this tyranny. We must protect our democracy, our judiciary, and our future. The actions of President Akufo-Addo and his cohorts are not just political games; they are existential threats to the very fabric of our nation. It is time to stand up, speak out, and demand justice.

The NDC urgently demands the following actions:

1. Immediate Halt further Supreme Court Appointments

- We demand that President Akufo-Addo immediately stop any plans to appoint additional judges to the Supreme Court. This reckless action is not just a political maneuver; it is an outrageous assault on our democracy and a betrayal of the public trust. Imagine the anger and disbelief as we watch our judiciary being transformed into a puppet of the executive, eroding the very checks and balances that protect our freedom.

2. Adherence to Constitutional Processes

- We demand that any future appointments to the Supreme Court must strictly follow the constitutional process, including consultation with the Judicial Council. This blatant disregard for established procedures is not only unconstitutional but also morally reprehensible. It's a slap in the face to every Ghanaian who believes in the rule of law and the sanctity of our democratic institutions.

3. Transparency and Accountability

- We call for the full disclosure of the criteria and process used for the selection of these judges. This is essential to ensure transparency and accountability. The clandestine and backdoor dealings to appoint loyalists are a disgrace. This hidden agenda fuels public distrust and fosters a culture of corruption that undermines the integrity of our judiciary.

4. Judicial Independence

- We call on the Chief Justice to uphold the independence of the judiciary by resisting any pressure from the executive to influence judicial appointments. The judiciary is the last bastion of justice, and its independence is

sacrosanct. By compromising this independence, the NPP is not just bending the law; they are breaking the backbone of our democracy.

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5. Immediate Reversal of the Unconstitutional Appointment Request

- We demand that the Chief Justice retract the unconstitutional request to appoint additional judges and ensure future actions align with legal and ethical standards. This brazen overreach into the judicial realm is an unforgivable breach of trust. It's time to reverse these illegal actions and restore faith in our judicial system.

6. Public and Civil Society Engagement

- The government must engage with civil society, legal professionals, and the public to discuss and review the process of judicial appointments to restore trust and ensure fairness. The voice of the people must be heard. The current administration's attempts to silence dissent and operate in the shadows are a direct threat to our democratic principles.

7. Ensuring Merit-Based Appointments

- Future judicial appointments must be based on merit, experience, and integrity, rather than political affiliations or loyalties. This is not just about filling seats; it's about ensuring justice for all Ghanaians. The NPP's nepotism and cronyism are creating a judiciary that serves only their interests, not those of the people.

8. Protection of Judicial Officers

- Safeguards must be established to protect judges from political influence and retribution, ensuring they can perform their duties without fear of repercussions. Our judges must be free to uphold the law without fearing for their careers or lives. The NPP's tactics of intimidation and coercion must be stopped to preserve the sanctity of our judiciary.

Ladies and Gentlemen, our beloved nation stands at a precipice. Our democracy, painstakingly built by the sacrifices of our forefathers, is under a grave threat from those who have sworn to uphold it. The blatant, unconstitutional actions of President Akufo-Addo and Chief Justice Gertrude Torkonoo are not just political maneuvers—they are a direct assault on our judicial independence and the very soul of our democracy.

Imagine a Ghana where the judiciary, becomes a mere extension of a failed executive—a tool for political retribution rather than justice. This is not the Ghana we pledged to uphold; this is not the Ghana we want to pass down to our children.

We cannot, and we must not, remain silent. Our silence will only embolden those who seek to undermine our democratic institutions. We must rise with one voice, loud and clear, to defend our judiciary, to protect our democracy, and to preserve the integrity of our nation.

Let every Ghanaian—young and old, men and women, from every corner of our land—stand up against this travesty and brazen attempt to hijack our judiciary.

Civil society, the clergy, and all democracy-loving citizens must join hands in this fight. This is not just about political affiliations; this is about the future of our nation. Let us show the world that Ghanaians will not stand for tyranny, corruption, and the erosion of our democratic values.

Let us fight with every breath to ensure that justice prevails, that our institutions remain independent, and that our democracy remains strong. For the sake of our children, for the sake of our future, let us unite and demand accountability. Let us rise and reclaim our nation from the grips of those who seek to destroy it.

This is our Ghana. This is our democracy. And we will defend it with every fiber of our being.

Thank you.

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GENERAL SECRETARY