



GHANA BAR ASSOCIATION

NATIONAL SECRETARIAT
H/NO. 5, 2ND AVE. STATE HOUSE RD.
SOUTH EAST RIDGE
(ADJACENT GH. INT'L PRESS CENTRE)
P. O. BOX GP 4150, ACCRA GHANA

TEL: +233-0302-912977/910650/672884
FAX: +233-0302-256579
E-MAIL: info@ghanabar.org
WEBSITE: www.ghanabar.org

My Ref:
Your Ref:

NATIONAL PRESIDENT: YAW ACHEAMPONG BOAFO
NATIONAL SECRETARY: KWAKU GYAU BAFFOUR

**GHANA BAR ASSOCIATION'S STATEMENT ON INTERVIEW
GRANTED BY FRANCIS XAVIER SOSU ESQ. (MEMBER OF
PARLIAMENT FOR MADINA CONSTITUENCY) ON THURSDAY, THE
10TH DAY OF FEBRUARY, 2022**

The Ghana Bar Association (GBA) has noted with disquiet and grave disappointment the assertion by Francis Xavier Sosu Esq. that some Judges are “political judges.” The said assertion by Francis Xavier Sosu, Member of Parliament for the Madina Constituency, was made during an interview he granted the media, and is contained in a video that is available on social media. In the interview, lawyer Francis Xavier Sosu seemed to have suggested that the tenure of office of judges is tied to the tenure of the political regime under which judges are appointed, and further that “**political judges will be treated politically.**” He also said that “political judges” would lose their offices when the political regimes whose bidding such judges do are no longer in power.

The GBA finds the assertion by Francis Xavier Sosu Esq. very unprofessional, unfortunate, irresponsible and distasteful and same smacks of deep-seated ignorance, as the tenure of judges per the Constitution, 1992, and other relevant laws, is never in any way whatsoever tied to the tenure of the political regime under which judges are appointed. Judges, unlike political office holders, are not elected into office, hence it is reckless for anybody to give the slightest suggestion that the tenure of judges are linked to the tenure of the political regimes under which judges are appointed.

The Legal Profession (Professional Conduct and Etiquette) Rules, 2020 (L.I. 2423) forbids a lawyer from making a statement about judicial and legal officials which the lawyer knows to be false or with reckless disregard for its truth or falsity concerning the qualification and integrity of judicial and legal officials. Rule 52 of L.I. 2423 provides:

“52. A lawyer shall not make a statement which the lawyer knows to be false or with reckless disregard for its truth or falsity concerning the qualification or integrity of

(a) a judge;

(b) an adjudicative officer;

(c) a public legal officer; or

(d) a candidate for election or appointment to a judicial or legal office.”

The GBA takes a dim view of the very unprofessional conduct of Francis Xavier Sosu Esq., and deems same as an unwarranted, unnecessary and unjustified attack on judges. These unwarranted and unnecessary attacks on Judges have a high propensity of creating disaffection and ill-will for Judges and for that matter the Judiciary.

The appointment and tenure of office of Justices of the Superior Courts are provided for in Articles 144, 145 and 146 of the Constitution, 1992. In particular, Article 146 states as follows:

“146. (1) A Justice of the Superior Court or a Chairman of a Regional Tribunal shall not be removed from office except for stated misbehavior or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind.”

It is unequivocally clear that the appointment and tenure of office of Judges in Ghana are governed by the provisions of the Constitution, 1992, and other relevant laws of the country and not at the whims and caprices of any person or group of persons, including political regimes. Indeed, as stated above, Article 146(1) states in very clear terms the circumstances under which a Justice of the Superior Court can be removed.

The GBA would like to caution that as a people we must be guided by our history. It was similar irresponsible and unguarded utterances in the past by people who ought to have known better that resulted in the abduction and gruesome murder of the three High Court Judges. The GBA observes that such ignorant and deliberate misinformation is gradually but steadily casting a slur on the appreciable gains that have been made in our democratic experiment as a nation. It is in the light of this that the GBA views as unprofessional, irresponsible and totally out of place for a Lawyer to make utterances in the nature of those by Francis Xavier Sosu.

The GBA wishes to strongly advise ALL lawyers, irrespective of their status in society, to refrain from visiting unwarranted and unnecessary attack on members of the Judiciary and Judges for that matter. Again, lawyers must always be circumspect and make strenuous efforts to make or give a true representation of the position of the law on each and every matter at all times. Our society stands to benefit a great deal when lawyers communicate the true and proper position of the law on every subject matter.

DATED IN ACCRA THIS 14TH DAY OF FEBRUARY, 2022

(SGD.) YAW ACHEAMPONG BOAFO ESQ.
NATIONAL PRESIDENT

(SGD.) KWAKU GYAU BAFFOUR ESQ.
NATIONAL SECRETARY