



OFFICE OF PARLIAMENT

Hon. Francis-Xavier Kojo Sosu (Esq)
MP, Madina Constituency



Office of Parliament
Parliament House
Room No. F2T 02E 019
Osu, Accra. Ghana

Your Ref.....

My Ref.....

14th February, 2022

RE: 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

I make reference to your Press Release dated the 14th Day of February 2022 on the above subject.

It is a wonder to know that the Ghana Bar Association still exists in this country following your loud silence on critical matters of national concern which relate to the Bar, Legal Education, Mistreatment of Lawyers, lack of welfare for Lawyers, Human Rights abuses, Press freedom and justice delivery among others in Ghana. I reject the allegation of being unprofessional and irresponsible and would reiterate that the GBA is rather a monumental failure to our democracy and I take strong exceptions to the Statement of the leadership of the GBA.

A cursory look at the Objects of the GBA Constitution in Part 1, Section 2 clearly shows that the GBA has lost it's focus and relevance long ago. Let me remind the GBA Leadership that it has a duty to ensure "the maintenance of the Independence of the Judiciary." How can you achieve this object if judges allow themselves to be influenced politically? For the rest of the objects, I beg to leave it here else we wash our dirty linen in public.

Needless to say, let me be clear that I stand by my statement any day, any time. The Statement was a conditional statement and no amounts of twists and turns will extricate judicial officers and judges who would allow themselves to become agents of political partisan agenda.

Very respectfully, the leadership of the GBA have sought to create a false impression by their misguided release asserting that judges would lose their jobs when the party that appointed them loses power. This rather reflects the leadership's misunderstanding of the statement I made.

My statement was clear "If you are a political judge, you will be dealt with politically... Judges owe a duty to the Constitution of the Republic of Ghana and the laws of Ghana. If a judge allows him or herself to become an agent of a Political party, the tenure of the said judge will run with the political parties they favour". This Statement must be the reality of every Ghanaian who believes in rule of Law and fidelity to the Coats of Arm, the 1992 Constitution and the Judicial Oath taken by judges.

It is very sad that the leadership of the GBA which was established by the Constitution of Ghana and historically known to be the champions of Rule of Law, Accountability and Social Justice has reduced itself to yet another useless institution of our democratic process in these days and times.

Unfortunately, the leadership's Release shows the extent to which they are politically affiliated and bias as Leaders of the Bar Association. Who in Ghana does not know that the GBA Leadership are so politically biased?. What are the core duties of the GBA?

Again, I have noted the lame attempt by the GBA Leadership to prepare a ground to construe my statements as a Professional Misconduct Contrary to Rule 52 of L. I 2423. My statement as a whole did not violate Rule 52 and can never be said to be irresponsible and unethical. Since when did speaking TRUTH to power become unethical and irresponsibility?

Let me also place on record that I am not unaware of Articles 144, 145 and 146 of the 1992 Constitution. By those Articles, a judge can be removed from office for “ **STATED MISBEHAVIOR**”. In my respective view, partisan judges have no business being on the bench. If you are a judge with sympathies towards NDC or NPP or CPP or any known political party in Ghana and you allow yourself to be influenced in anyway for a political outcome, then you are not fit to be a judge. Becoming a political judge who allows he/herself to be influenced for political outcomes contrary to law would amount to STATED MISBEHAVIOUR.

Rule 6 of the Code of Conduct for Judges and Magistrates of the Judicial Service of Ghana Provides as follows: “**A judge should refrain from political activity inappropriate to his judicial office**”. **Any Judge who allows himself to become political is surely involving in an activity which is inappropriate for his or her judicial office and this can amount to Stated Misbehaviour**”

The Judicial Oath requires that judges bear true faith and allegiance to the Republic of Ghana as by law established and not to Political parties or appointees. The Oath also requires that a judge upholds the sovereignty and integrity of the Republic of Ghana and truly and faithfully perform their functions without fear or favour, affection or ill-will and at all times uphold, preserve, protect and defend the 1992 Constitution and the Laws of the Republic of Ghana. A judge who becomes a political judge and allowing him or herself to be influenced clearly would have breached the judicial oath.

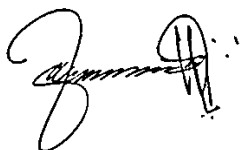
Instead of joining the clarion call to stop our judges from becoming political judges in order to guarantee our democracy, the leadership of the GBA is needlessly attacking the voice of conscience that speaks truth though it hurts badly.

Let me again say that the reference made by the leadership of the GBA to our recent past history on gruesome murder of three High Court judges with respect to my statement is most unfortunate and an insensitive linkage. As a Human Rights lawyer and a defender of Rule of Law, I would be the last person to use politics to cause any form of harm to our judges. I revere those gallant martyrs of Rule of Law and respect their memory. However, this wicked and nefarious reference is yet another lame excuse by the leadership of the GBA to shield the judiciary from frank criticisms. The Judiciary must rather be guided by the said past history to turn down all invidious invitations to become political judges who allow themselves to be influenced politically for political outcomes.

Judges must stay out of politics in order to preserve the integrity of the judiciary and consolidate our democratic gains.

In conclusion, I would continue to uphold and defend the 1992 Constitution without fear or favour. My duty as a lawyer to hold the Profession in high esteem does not include keeping quiet on critical matters that bothers on bad governance practices, human rights abuses, and politicisation of independent institutions of state. I owe it to the good people of Ghana and the good people of Madina who gave me a chance to serve them as their Member of Parliament.

My statement was very clear and let me say in the words of Bob Marley that “who the cap fit, let him wear it”.



Hon. Francis-Xavier SosuEsq.
Madina MP, Public Interest Lawyer and
Deputy Ranking Member, Constitutional,
Legal and Parliamentary Affairs Committee