

REJOINER: ONLINE PUBLICATIONS ON ARREST OF SENIOR POLICE OFFICER AND LAWYER ON ORDERS OF HER LADY THE CHIEF JUSTICE

1. My attention has been drawn to online publication on 14th November 2023 by the law platform.com on the above-mentioned subject matter. Subsequently, Ghanaweb.com and several other online portals made similar publications. All the publications missed some important nuance and accuracy. This is my candid response to the publications aimed at providing a true account of what transpired in court and the current status of the matter.
2. The matter of the unfortunate arrest occurred when I prosecuted a case before the Supreme Court, presided by Her Lady the Chief Justice. I respectfully, boldly, and fearlessly presented my case before the Court. Midway in the presentation, the Chief Justice interjected with the remark, “you are shouting” and ordered me to resume my seat. I respectfully obeyed the order and immediately resumed my seat. She swiftly delivered the decision of the Court, awarded a cost and the proceedings closed.
3. Interestingly, the characterization of my advocacy as “shouting” and the order to resume my seat, truncated my submission and made way for the delivery of the Court’s decision. I did not obstruct proceedings. I immediately resumed my seat in strict obedience to the order. I did not comment after the close of proceedings and award of cost. I remained seated, calm and silent, waiting for an opportunity to respectfully exit the courtroom, since proceedings had closed. Suddenly, the Chief Justice, off the judgment, began to make offensive remarks and cast aspersions at me.
4. I listened as the Chief Justice disrespected, attacked my personality, questioned my twelve (12) years standing at the Bar, and insinuated that I am incompetent and not smart. I remained calm and silent despite the extreme provocation. I respectably, confidently, courageously and merely responded to the offensive remarks by saying “I disagree”. In reaction to my gentle response to the offensive remarks, the Chief Justice spontaneously and unilaterally by rush of anger and show of orders, ordered: “*Arrest him, arrest him!!*” ostensibly to the police officers present.

5. In strict compliance with the orders, I was arrested by a subordinate police officer and escorted outside the courtroom. You will notice that the arrest had nothing to do with disagreement with the Court's judgment as reported in the media. I did submit to the unlawful and unjustified arrest without let or hindrance in order not to disturb the court. I was unlawfully detained, restricted and imprisoned for about two (2) hours without justification in law.
6. A senior, Lawyer Addo Atuah came out from the courtroom, he persuaded and counselled me to agree to apologise for my "liberty". I was reluctant to do so because I had not offended the sanctity and authority of the court. I was subsequently escorted back into the courtroom. The Chief Justice mentioned my name and asked, if I had anything to say. I was reluctant and silent and did not say anything because of the trauma of the arrest and detention. The Chief Justice quickly switched to Mr Addo Atuah and after listening to him, she declared "You are discharged." I exited the courtroom quietly in disbelief at the discourtesy and wanton abuse of power.
7. To put the matter in its clearest perspective, assume the Chief Justice's off the judgment remark was harmless and proper and also assume my response "I disagree" was discourteous. A "discourteous" response to a supposedly innocuous remark in a court dialogue should not reasonably or lawfully warrant an arrest!
8. Presumptions aside, a respectful and fearless disagreement with off judgment remark of a judge is not a criminal offence to trigger arrest and detention. The arrest was unconscionable, irrational, unfair and without due process from the perspective of a reasonable, fair-minded and informed independent person. The arrest was merely influenced by a rush of anger, prejudice and malice aforethought which constitute impropriety or abuse of prestige judicial power by the Chief Justice.
9. The arrest had diminished my dignity, caused me pain, anxiety, trauma, humiliated me, and adversely affected my reputation, professions and social standing. The unlawful arrest has tarnished the image of the court. If I had

made similar remarks against the Chief Justice, I would have been in jail. It cannot be proper, fair, lawful and reasonable to arrest a person based on harmless disagreement with a judge's off judgment disrespectful remark. The arrest was neither predicated on any criminal offence committed nor based on a reasonable prospect of trial for any criminal offence.

10. I did evaluate the traumatic incident together with the aftermath of the media publications. To make a meaning, I applied for a Search to obtain information on the arrest and detention at the Registry of the Supreme Court. The Search Reports responded by the Registrar was in three significant ways. First, the Registrar stated that there was no written record in the Court's Record Book on the arrest and detention. Second, the Registrar stated that no audio or electronic record of proceedings was made because of power fluctuation, although an electronic recording device with power stabilization was installed in the courtroom. Third, the Registrar stated that I was not arrested or detained.

11. The Search Reports approved by the Chief Justice mark a troubled turning point. First, it shows some kind of admission of unsatisfactory diligence or negligence by not recording the arrest and detention, in the Court's Record Book. Second, the non-electronic recording of the proceedings including the arrest was suspicious and requires independent investigation. Third, it was shocking for Her Lady the Chief Justice to deny she caused my arrest and detention, when the hearing was held public.

12. CHRAJ is independent and fair constitutional and reasonable ombudsman to investigate abuse of power and cover-up by public officers. I have therefore, **lodged** a complaint to the Commissioner of CHRAJ to investigate the abuse of power and cover-up by Her Lady the Chief Justice.



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