

Filed on... 21/5/25
at... 3:00 am/pm
Registrar
SUPREME COURT OF GHANA

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA- A.D. 2025
WRIT TO INVOKE ORIGINAL JURISDICTION**

Between

Suit No.

J1/22/2025

HER LADYSHIP JUSTICE GERTRUDE ARABA ESAABA SACKEY TORKORNOO

Chief Justice's Residence,
Cantonments,
Accra.

Plaintiff

And

1. THE ATTORNEY-GENERAL

Office of the Attorney-General and Ministry of Justice,
Accra

2. JUSTICE GABRIEL SCOTT PWAMANG

3. JUSTICE SAMUEL KWAME ADIBU-ASIEDU

4. DANIEL YAO DOMELOVO

5. MAJOR FLORA BAZWAANURA DALUGO

6. PROFESSOR JAMES SEFAH DZISAH

Defendants

IN THE NAME OF THE REPUBLIC OF GHANA you are hereby commanded within fourteen (14) days after the service on you of the statement of the Plaintiff's case inclusive of the day of service, that you are to file or cause to be filed for you a statement of the defendant's case in an action at the suit of:

1. **Nature of Reliefs sought is as follows:**

- (i) A declaration that upon a true and proper interpretation of articles 17(1) and (2), 19(13) and (14), 146(7) and (8), 281(1) and 295(1) of the Constitution, a Chief Justice has the right to a public hearing in proceedings before a committee appointed by the President to inquire into a petition presented for the removal of the Chief Justice;
- (ii) a declaration that upon a true and proper interpretation of articles 17(1) and (2), 19(13) and (14), 23, 146(7) and (8), 281(1) and 295(1) of the Constitution, the right

of a Chief Justice to a public hearing and all the incidents of a fair hearing may only be excluded in the interest of public morality, public safety, or public order;

- (iii) a declaration that upon a true and proper interpretation of articles 17(1) and (2), 19(13) and (14), 23, 146(7) and (8), 281(1) and 295(1) of the Constitution, a Chief Justice who is called upon to participate in a hearing conducted by a committee constituted under article 146(6) to inquire into the merits of a petition seeking the removal from office of the Chief Justice can waive the privilege of “*in camera* proceedings”.
- (iv) a declaration that upon a true and proper interpretation of articles 19(13), 23, 146(1), (2), (4) and (6) and 296 of the Constitution, a determination of a *prima facie* case in respect of a petition for the removal of a Chief Justice or a Justice of the Superior Court of Judicature is a quasi-judicial process requiring a judicious evaluation, culminating in a reasoned decision.
- (v) a declaration that upon a true and proper interpretation of articles 19(13), 23, 146(1), (2), (4) and (6) and 296 of the Constitution, the purported *prima facie* finding in respect of three petitions presented for the removal of the Chief Justice and served on the Plaintiff by a letter dated 22nd April, 2025, does not amount to a proper determination of a *prima facie* case and is therefore null, void and of no effect;
- (vi) a declaration that upon a true and proper interpretation of articles 19(13), 23, 146(1), (2), (4) and (6) and 296 of the Constitution, the purported finding by the President that a *prima facie* case has been made against the Plaintiff and served on the President by a letter dated 22nd April, 2025, was arbitrary, capricious, in violation of the right of the Plaintiff to a fair trial, and therefore unconstitutional, void and of no effect;
- (vii) a declaration that upon a true and proper interpretation of articles 146(1), (2), (4), 125(3) and (4), 127(1) and (2) and 296 of the Constitution, the purported determination by the President that a *prima facie* case has been established against the Plaintiff as conveyed in the letter dated 22nd April 2025, together with the warrant of suspension of the Plaintiff, constitute an unjustified attempt to remove the Plaintiff as Head of Ghana’s Judiciary and thus, an undue infringement on the independence of the Judiciary;
- (viii) a declaration that upon a true and proper interpretation of article 146(6) and (7) of the Constitution, the failure to serve the Plaintiff with a judicious determination of a *prima facie* case before appointing a committee to purportedly inquire into the petitions for the removal of the Plaintiff as Chief Justice constitutes a violation of

the Plaintiff's right to substantive administrative justice and fair hearing, rendering the entire proceedings initiated null and void;

- (ix) an order setting aside the warrant for suspension issued by the President dated 22nd April, 2025 to suspend the Plaintiff as Chief Justice of the Republic;
- (x) a declaration that upon a true and proper interpretation of articles 23, 146(6) and (7) and 296(a) and (b) of the Constitution, the 2nd defendant, Justice Gabriel Scott Pwamang, is not qualified to be a chairman or member of the committee set up by the President to inquire into the petitions against the Plaintiff on account of having adjudicated and given various rulings in favour of one of the petitioners, Daniel Ofori in actions filed in the Supreme Court;
- (xi) an order prohibiting the 2nd defendant, Justice Gabriel Scott Pwamang, from presiding as Chairman of the committee or participating in the proceedings of the committee set up to inquire into the petitions against the Plaintiff;
- (xii) a declaration that upon a true and proper interpretation of articles 23, 127(1) and (2), 146(6) and (7) and 296(a) and (b) of the Constitution, the appointment of the 3rd defendant, Justice Samuel Kwame Adibu-Asiedu, as a member of the committee set up by the President to inquire into the petitions against the Plaintiff, at a time when he had already sat as a member of a panel of the Supreme Court constituted under article 128(2) of the Constitution to hear an application for interlocutory injunction filed by a Ghanaian citizen challenging the "article 146 proceedings" initiated against the Plaintiff, violates the independence of the Judiciary;
- (xiii) an order prohibiting the 3rd defendant, Justice Samuel Kwame Adibu-Asiedu, from sitting as a member of or participating in the proceedings of the committee set up to inquire into the petitions against the Plaintiff;
- (xiv) a declaration that upon a true and proper interpretation of articles 146(1), (2), (4), 23 and 296 of the Constitution and sections 1, 2, and 4 of the Oaths Act, 1972, the 4th, 5th and 6th defendants are not qualified to undertake the functions entrusted on them as members of the committee set up by the President to inquire into the petitions against the Plaintiff;
- (xv) an order restraining the committee set up by the President to inquire into the three petitions against the Chief Justice composed of the 2nd, 3rd, 4th, 5th and 6th defendants from proceeding to carry out the terms of reference of the committee set up under article 146(6) as laid out in the letter dated 22nd April, 2025;
- (xvi) any other order(s) as to this Honourable Court may seem meet.

2. Capacity in which Plaintiff is bringing the action is as follows:

The Plaintiff brings this action as a citizen of Ghana, in terms of Article 2(1)(b) of the Constitution of the Republic of Ghana, 1992, affected by multiple constitutional infractions implicit in her suspension as the Chief Justice of the Republic and the constitution of a committee purportedly to inquire into a petition presented for her removal as Chief Justice.

a. Address for service of the Plaintiff is as follows:

Chief Justice's Residence,
Cantonments,
Accra.

b. The Address of Counsel for Plaintiff is as follows:

DAME & PARTNERS UNLIMITED
55A Kakramadu Link, Cantonments, Accra.

3. The names and addresses of persons to be affected by this writ are as follows:

The Attorney-General,
Office of the Attorney-General and Ministry of Justice, Accra.

DATED AT DAME AND PARTNERS, ACCRA THIS 20TH DAY OF MAY 2025

Godfred Yeboah Dame

Solicitor's Licence No: eGAR04417/25

DAME AND PARTNERS

55A Kakramadu Link, Cantonments, Accra.

Chamber Reg. Licence No: ePP09695/25

LAWYER FOR PLAINTIFF



The Registrar,
Supreme Court,
Accra.

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS