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**OPEN LETTER TO HER LADYSHIP GERTRUDE TORKORNOO**  
**UNDO THE WeKTO, SAVE OUR DEMOCRACY**

I am a proud citizen of Ghana with little pride in the trajectory of our democracy. I am a father of two children who only have Ghana as their home and nationality. Just like many other Ghanaian children, they have full lifetimes ahead of them, for which reason I cannot be reticent about recent developments in our country.

As a people, our belief in a free, fair and just society after military experiments led us to adopt a constitution credited for our existing democracy and governance structures, including the Supreme Court.

My Lady, the utility and beneficence of these institutions and structures depend on the extent to which they satisfy the ideals of justice, democracy and the rule of law. You should be worried if '**we-the-people**', in whom sovereignty resides and, on whose behalf, justice is administered, no longer believe that the judicial system upholds these ideals.

My Lady, it is concerning that according to the Afrobarometer reports, trust in the judiciary has fallen from 56% in 2012 to 35% in 2024. I am petrified that today 65% of Ghanaians do not trust the judiciary at all whiles only 13% trust the judiciary 'a lot'.

Respectfully, Madam Chief Justice, the evidence of this public disillusionment in the judicial system has been playing out in public discourses for quite a while. Many, including me, believe the judiciary has been succumbing to the whims and caprices of one branch of government, the Executive.

I am sure you have heard some of the most denigrating sobriquets deployed by some members of the general public to describe the once revered apex court, which you now head. From **Unanimous FC** to **WeKTO Centre** (*We-Know-The-Outcome*), the Ghanaian people continue to mock the predictable manner in which cases are determined by the apex court. In times past, such sobriquets would have been unthinkable. Sadly, this is the reality today. How did we get here?

I believe you are aware that these pejorative descriptions of the court are hardly in isolation. They stem from public objections to how the court has handled the task of divining the Constitution.

You must have heard a retired Chief Justice say that the judiciary has become too predictable if it involves persons from a certain political party. That is damning, Madam Chief Justice!

Your recent decision in the *Afenyo Markin vs. The Speaker of Parliament* case heralds a number of other cases before it, that the public thinks resulted in desecrations of justice, and even worse, perversions of our democracy.

Madam Chief Justice, how did the Supreme Court assume jurisdiction in a matter that the Constitution clearly states under article 99 belongs to the High Court?

How do you explain the supersonic speed with which you empaneled judges to hear the matter when other similar public interest cases, have been completely ignored by the court?

According to reports, within two hours of filing the application for stay of execution, you empaneled busy Justices including yourself, on a day that the court hardly sits; to hear the application and delivered a ruling - *I pray my seven (7) year defamation case receives the same attention going forward*. It is for this reason that some have suggested that the court was ready and waiting for the motion to be filed.

How did your court, *sua sponte*, subvert settled legal principles by granting *ex parte*, an order of stay of execution pending the final determination of the case, when the Plaintiff only prayed for a ten-day interim order in conformity with standard practice? Which Court grants an interlocutory injunctive relief on the basis of an *ex parte* application? Where is the justice in this exercise of discretion?

My Lady, do you realize that the effect of your interlocutory order on grounds of the lack of parliamentary representation for the affected constituents, has prejudiced the substantive case? If you are so minded about the lack of parliamentary representation for the affected constituents for just a period of **80-days**, why did the judiciary allow the biggest travesty of our democracy – the denial of the people of SALL of parliamentary representation for **1,460-days**?

The manner in which this *Afenyo Markin* case has been handled radically departs from the philosophical and procedural reflections of law as known to many in the legal fraternity including prominent lawyers affiliated with the ruling party, who think that your decision was unacceptable and strange.

Please, do not say I am not a lawyer and therefore do not understand the law. As you very well know, this constitution was written by hairdressers, farmers, carpenters and businessmen like me too.

Madam, you and your other respected colleagues on the bench of the Supreme Court do not need any reminding that the adjudication of cases and administration of justice, especially at the apex level, is a serious matter. It is one of the most serious counter-majoritarian forces in modern-day democracies.

The over 30 million Ghanaians who have surrendered their judicial power to you to bind them irreversibly by the decisions you make expect that such power is exercised in a manner that reflects their ideals of justice, fairness, and the rule of law. Otherwise, our magnanimity in surrendering that power to a few of you becomes a fruitless gamble.

The prevailing public view that the court's registry rushes into action only when a case affects the executive is risky for our democracy, to say the least.

Of the three arms of government, the Judiciary offers the best chance of stabilizing and furthering our democratic governance. Should **'we-the-people'** further lose confidence in it, our democracy, governance and civility will become history- a trajectory that may be irreparable. For this reason, **public perceptions of your work are just as important as the realities of it.** In the same vein, **the perception of your neutrality is also as important as your substantive neutrality.**

I hope that for the remainder of your time as head of the judiciary, you will do some soul-searching, exemplify neutral partisanship and renew your commitment and loyalty to the people of Ghana, on whose behalf you have sworn to serve and do justice.

My lady, please make no mistake, you are not in the eye of any storm. Rather, your actions have become the storm and Ghana, in your eye.

Thankfully, it isn't too late to re-engineer the path!

*“As you run your race,  
And its end you face,  
May many make the case,  
That justice, fairness and truth were your days.”- GeePapa (2024)*

From my granny's kenkey shed in British Accra and the fauna of my farm in Adaklu-Tsriefe, I remain.



**Senyo K. Hosi**

**PS: My Lady Gertrude, while this may not shape well your mood, it is not my wish to get-rude or have you booted. I am just that little dude in the hood to truth intrude.**