



# 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.....

16<sup>th</sup> February, 2022

**RE: STATEMENT BY THE ASSOCIATION OF MAGISTRATES AND JUDGES OF GHANA (AMJG) ON THE INTERVIEW GRANTED BY HONOURABLE FRANCIS-XAVIER SOSU (MEMBER OF PARLIAMENT FOR MADINA CONSTITUENCY) ON THURSDAY, THE 10<sup>TH</sup> DAY OF FEBRUARY, 2022**

My attention has been drawn to a publication made by the AMJG to the Press dated the 16<sup>th</sup> day of February, 2022 on the above subject.

Dr Martin Luther King Jr in the heat of the Civil Rights Movement in the US once said “if a man has not discovered something that he will die for, he isn’t fit to live”. Let me unequivocally say that I respectfully respond to the release at the peril of my own career as a lawyer and have come to realise at this point in my life that I must stand up to my convictions.

The release will not stop me from my continuous critique of the Judiciary when need be. After all, one of the tools by which citizens can demand accountability of the Judiciary is through public criticism. As a Member of Parliament and speaking in that capacity, I have every right to demand that our judiciary be devoid of political influence.

I am highly disappointed with the content of the Statement because the Association clearly misconstrued the content and the context of my statement. For the avoidance of doubt, my statement was indeed DELIBERATE AND WELL THOUGHT OUT except that contrary to their assertion, it was NEVER AN ATTEMPT TO SCANDALIZE THE JUDICIARY.

Again, I completely disagree with the Association when it said my statement was unprofessional and an unprovoked attack on the Judiciary. The statement was in no way an attempt to either scandalize and attack the Judiciary. Rather, it was a CONDITIONAL STATEMENT cautioning

judges who may “allow themselves to be influenced politically to be partisan”. This counsel to judges must be taken in good faith as it goes to the very roots of our democracy.

As a Ghanaian, a devout Christian, a lawyer, a human rights activist, and the elected representative of the good people of Madina in Ghana’s parliament, I am deeply worried about the posturing of the Association directed at me because our country’s democracy HINGES on the confidence people have in the Judiciary which appears to be eroding. We risk collapsing our country if the Judiciary cannot take this counsel in good faith.

I know of many fine judges from District Courts, Circuit Courts, High Courts, Courts of Appeal and the Supreme Court who have demonstrated an impeccable fidelity to the Rule of Law and the Constitution of the Republic of Ghana. Why should a judge be disturbed by my statement if the said judge does his or her work well and does not allow him or herself to be influenced politically to be partisan? Who the cap fits let him or her wear it!

A careful review of the Constitution of the Association reveals that the core duties of the Association are

1. “to promote the efficient, expeditious and most cost-effective administration of justice in Ghana”,
2. “to promote the independence of the judiciary”,
3. “to promote the Rule and Law in accordance with the dictates of the 1992 Constitution”
4. “to promote and protect the interest, welfare, dignity, integrity and honour of its members” and
5. to “encourage members to observe the Code of Conduct promulgated by the leadership of the Judiciary of Ghana.”

The above core duties would imply that the Association should be interested in people like myself who are bold to ask judges to be apolitical in the performance of their functions of office. The Association cannot achieve any of the above objects when judges become partisan and allow political parties to influence them. Indeed **Rule 6 of the Code of Conduct for Judges and Magistrates of the Judicial Services of Ghana requires that Judges refrain from politics.** What I said only reiterates Rule 6 of the Code of Conduct which you have a duty to ensure compliance.

We need to be truthful to ourselves. It is time for the Judiciary to pause, take a deep breath and do self-introspection. All judges who bear true faith and allegiance to the Coat of Arms, the 1992 Constitution and the people of Ghana must demand that EVERY JUDGE of this beloved nation will

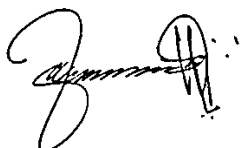
work with UTMOST INTEGRITY and not find fault with a statement that only reinforces Rule 6 of their Code of Conduct.

I really do not see the basis of any complaint to the General Legal Council. The rules of etiquette of the Bar are not all-encompassing rules of conduct that define how MPs should speak to their constituents.

In any event, the effects of “if” Statements in law are clear. But obviously if this is not about Rule of Law and due process then the law may not really matter. It may just be a matter of show of power. For an Association of Judges and Magistrates to make a report to the General Legal Council which has the same judges as members, I wonder how a “cockroach can be justified in the court of fowls”. I will not fight for justification where none can be found. Indeed, if this is about Rule of Law, then all judges on the General Legal Council and representatives of the Ghana Bar Association would have to recuse themselves from hearing the complaint they seek to file. Be that as it may, perhaps this may be the end of my legal professional journey but I do not fear to leave the “noble” profession for cautioning against “ignoble” acts of few bad nuts that can destroy our democracy.

I am fortified by a phrase in the National Anthem “...**Bold to defend forever the cause of freedom and of rights...**” This is my resolve. However it ends, I am glad I served my generation.

God bless our homeland Ghana.



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