

A NEW CHIEF JUSTICE – THE LAST THREE STOPS OF NANA AKUFO-ADDO’S
LONG GAME FOR THE 7 DECEMBER 2024 ELECTIONS: BY MARTIN A. B. K.
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Nana Akufo-Addo’s modus operandi in the exercise of the constitutional powers vested in him to choose critical and sensitive constitutional officers for the actualization of the separation of powers doctrine has always been to be guided by his personal political self-interest as distinct from the sovereign national interest of the citizens of Ghana. The choice of a replacement Chief Justice for Mr. Justice Kwasi Anin-Yeboah, who retires as Chief Justice on 24 May 2023, has all the hallmarks of the political self-interest dictated by Nana Addo’s long game that he planned years before assuming the Presidency on 7 January 2017.

The choice of Mrs. Justice Gertrude Araba Esaaba Torkornoo (Nee G. A. E. Sackey, enrolled on the Roll of Lawyers in Ghana as No.2086 on 2 October 1987) was purposeful and in line with Nana Akufo-Addo’s long game. It is the third of the last three games he has to play in the hope that nature will support his machinations to impose his will on the letter as distinct from the spirit of the 1992 Constitution at the 2024 general elections. Mrs. Justice Gertrude Torkornoo meets the statutory qualification to be nominated as Chief Justice even if she is not the most senior or erudite by output of celebrated judgments of the Supreme Court. But she also meets other extra-judicial requirements that makes Nana Akufo-Addo to have the confidence that she is a suitable choice for actualizing his political long game.

She is supposed to be the niece of the late Major (Rtd.) Sam Acquah who was gruesomely murdered and martyred in 1982 during the PNDC regime. She hails from Winneba but was born and brought up in Cape Coast where most people from the Central Region in her parents’ peer group called home in the past. Her parents were teachers with her father Abraham Kofi Saah Sackey rising to become a Director of Education. Professor Mills saw her as his daughter from Cape Coast by virtue of her parents and elevated her to the Court of Appeal in October 2012 after her appointment to the High Court by John Agyekum Kufour in May 2004. The minority in Parliament will, therefore, be hard put not to approve her nomination when it is tabled in Parliament on or after 2 May 2023, following the rubber stamp Council of State’s endorsement.

The nomination of a person from the Central Region for the position of Chief Justice also creates a basis to urge the delegates to the New Patriotic Party (NPP) presidential election primaries on 4 November 2023 not to cast their votes for the feared and not dependable Kennedy Agyapong from the same region. Nana Akufo-Addo’s calculating mentality is to eliminate a feared and threatening contender from the Central Region with a high potential of winning the presidential primaries election. This permutation also takes care of presidential contenders from the Western Regions who are lumped together with the Central Region and perceived as Fantis. That leaves the field for the about four presidential contenders hailing from the Ashanti Region to split their votes, and to beef up the chances of Nana Addo’s preferred choice, Vice-President Dr. Mahamudu Bawumia, from the generic North.

Nana Akufo-Addo’s long game was borne out of an agenda he conceived after his narrow defeat at the 2008 presidential elections with Dr. Mahamudu Bawumia as his running mate, and the lack of a long game by Mr. J. A. Kufour to have ensured a victorious outcome at all costs. Never again must that happen under Nana Akufo-Addo’s watch as President of Ghana. Mr. J. A. Kufour exhibited better traits of a constitutionalist and democrat during his tenure as President. Nana Akufo-Addo is, on the other hand, by any description an autocrat who

works with the letter of the Constitution while subverting its spirit and core structural principles or doctrines. He believes in the politics of Africa being the politics of ethnic arithmetic, as Mr. Kofi Draah taught second year political science students who had to read the compulsory subject of “Contemporary African Political Systems”.

The present composition of the Supreme Court favoured the choice of Mrs. Justice Gertrude Torkornoo as the preferred ethnic arithmetical choice for the position of Chief Justice. The departing Chief Justice, Mr. Justice Kwasi Anin-Yeboah was chosen for his Ashanti ethnicity to aid the votes in the Ashanti Region for the 2020 presidential elections. Mr. Justice Paul Baffoe-Bonnie, the most senior Justice on the Supreme Court (after Mr. Justice Jones Dotse who retires in June 2023) hails from the Ashanti Region as Justice Anin-Yeboah, in addition to his 2013 vote with the majority in that year’s election petition: then the NDC politics of his siblings. Mr. Justice Gabriel Pwamang does not fit the ethnic equation of the long game. Two other senior Justices of the Supreme Court from the Greater Accra Region are also soon retiring. Amongst the 17 December 2019 appointed group, the most senior is Mrs. Justice Mariam Owusu, an Ashanti like the departing Chief Justice. She is followed by Ms. Justice Avril Lovelace-Johnson (Mrs. Anin-Yeboah, regrettably the former wife of the retiring Chief Justice) from the Central Region enrolled with number 2052 on 2 October 1987, as Mrs. Justice Torkornoo whose enrollment number is 2086. The next in seniority is Mrs. Justice Gertrude Torkornoo also from the Central Region with the added pedigree of being the late Major (Rtd.) Sam Acquah’s niece. Mrs. Justice Joy Henrietta Mensa-Bonsu of the 22 May 2020 appointed group who was enrolled in 1982 is also an Ashanti. Mr. Justice Tanko Amadu and Mr. Justice Yonny Kulendi did not also fit the ethnic equation for the long game.

The media hype that had gone on about Mr. Justice Kulendi as the potential nominee from the point of view of serious intelligence analysis was just a usual Akufo-Addo diversionary orchestration to engage the citizens’ attention for purposes of propaganda and entertainment. The arguments against Kennedy Agyapong’s election at the 4 November 2023 NPP presidential primaries which Nana Addo has generated by his nomination of a new Chief Justice would have been used against his preferred candidate, Mahamudu Bawumia, if Mr. Justice Kulendi were the nominee Chief Justice. The wrenches thrown into the media announcement of Mrs. Justice Torkornoo as the nominated Chief Justice by Kwaku Baako, and Paul Adom-Otchere’s insinuation of a very important supreme court judge who was Alistair Mathias’s lawyer in the Gold Mafia Al Jazeera documentary both published on 18 April 2023 contained coded signals against Mr. Justice Kulendi as a preferred choice for Chief Justice.

Nana Akufo-Addo is a fixer who exploits the vulnerabilities of the Ghanaian political elite from all sides of the political divides and the intimidated mass of citizens. He fixed the approval of his Ministers in 2021 in such a manner that the Functional Executive Committee (FEC) of the NDC caved in with orders to its Members of Parliament to support the approval of his cousin Ken Ofori-Atta and others for appointment as Ministers in his Government. He fixed the 2021 Budget Statement rejection by the minority and the E-Levy Bill controversy after the Speaker and the minority swore their fidelity to suffering Ghanaians and the Constitution by whipping the Speaker and the minority into line. He fixed the motion of censure against his cousin the Minister of Finance after the Speaker’s first clear and unambiguous statement of the road map on the procedure to be adopted under the Standing Orders and the Constitution. He fixed the uproar amongst some of his NPP Members of Parliament who demanded that his cousin Ken Ofori-Atta, the Minister for Finance, must go on grounds of the economic hardship he brought unto the suffering mass of Ghanaians. He

fixed the recent nomination and approval of Ministers for appointment in such a way that a sizeable group of NDC Members of Parliament refused to obey their whip in order to enjoy a joyous Easter vacation. Consequently, when I read that Parliament had been summoned to convene on 2 May 2023 for urgent business I had no doubt that this was another fix by Nana Akufo-Addo for the prime business of formally laying before Parliament the President's request for the approval of the new Chief Justice under the smokescreen of urgent business. The new Chief Justice has to be vetted and approved before 24 May 2023 and one could not be deceived about the most urgent business for which parliament is being recalled. But many Ghanaians bought into the minority leader's claim that parliament is being recalled for the approval of loans. The public cannot be blamed for swallowing the grand deception with the choreographed plan that ensured that the formal request to the Council of State for rubber stamping would be made on 25 April 2023. The above exposition could change the plan.

Nature has its own way of doing justice to humanity. In other words, "man proposes and god disposes!" Nana Akufo-Addo, an ordinary mortal like all of us cannot guarantee what the future must be despite his self-perceived dexterity and skills in fixing things through the abuse of the constitutional powers put at his disposal by the electorate. This reminds me of what President Dwight D. Eisenhower said about his appointment of Chief Justice Earl Warren, who discomfited him with the *Brown v Board of Education* ruling ordering desegregation in public schools and other liberal opinions. President Eisenhower said of his appointment of Chief Justice Earl Warren: "The biggest damn fool mistake I ever made." President Harry S. Truman was even more scathing about Justice Tom C. Clark, his appointee who voted against his 1952 seizure of the steel industry to avert a strike. I am sure that when nature's justice struck, Nana Akufo-Addo regretted appointing me as the Special Prosecutor for the Office of the Special Prosecutor. Nature may in the future ensure that the new Chief Justice lives up to the letter and the spirit of the 1992 Constitution and not who nominated her for appointment.

Be that as it may, the next step in Nana Akufo-Addo's long game is unfolding in the nature of the level playing field being deployed especially for the contestants for the NPP's presidential primaries to take place on 4 November 2023 which appears to be informed by the outcome of Nana Addo's preceding long game and covert influence peddling in favour of his preferred candidate. The NPP presidential primaries on 4 November 2023 will be the make or break point for the measurement of the success or failure of the energy and resources invested by Nana Addo in his long game for the 7 December 2024 elections.

In the affairs of humanity, nature helps those who help themselves. This is no different from the saying that: "God helps those who help themselves". The 1992 Constitution guarantees Ghanaians all the rights and freedoms under it, not excluding those not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man. There are no fundamental rights and freedoms more important than free and fair political party primaries for intra-party contestants, and the national Parliamentary and Presidential elections. Citizens can only ensure the enjoyment of these fundamental rights and freedoms when they are vigilant and police long games intended to subvert the right and freedom of the electorate at both internal political party, and national elections. This is the only way to defend the 1992 Constitution and put Ghana First.

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