



NEW PATRIOTIC PARTY

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FOR IMMEDIATE RELEASE

POSITION OF THE NEW PATRIOTIC PARTY ON THE VETTING OF JUSTICE PAUL BAFFOE-BONNIE FOR THE OFFICE OF CHIEF JUSTICE

1.0 PREAMBLE

The New Patriotic Party (NPP), guided by its foundational commitment to constitutionalism, the rule of law, and the preservation of our democratic institutions, issues this statement to articulate its grave concerns regarding the nomination of Justice Paul Baffoe-Bonnie for the office of Chief Justice. Our position is rooted not in partisan obstructionism, but in a solemn duty to defend the 1992 Constitution of Ghana from any action that threatens its integrity and the delicate balance of powers it enshrines.

2.0 A FUNDAMENTAL BREACH OF CONSTITUTIONAL ORDER

The events that led up to this nomination have caused a serious constitutional problem. The removal from office of the former Chief Justice, Her Ladyship Gertrude Araba Esaaba Torkornoo, is the subject of seven (7) substantive legal suits currently pending before the Supreme Court of Ghana, the High Court of the Republic, and the ECOWAS Court of Justice. These suits raise fundamental questions regarding due process, natural justice, and the constitutional protections for judicial office holders.

It is a cardinal principle of constitutional governance that where the legitimacy of a foundational state action is directly challenged before a competent court, the political branches must exercise restraint until the judiciary has discharged its constitutional mandate to interpret the law. The decision by the Mahama administration to proceed with a nomination for this high office, while these pivotal cases remain unheard and undefended on their merits, constitutes a pre-emptive assault on the judicial function and a dangerous departure from established constitutional order.

3.0 CONFLICT OF INTEREST AND JUDICIAL PROPRIETY

The specific circumstances surrounding the nominee, Justice Paul Baffoe-Bonnie, exacerbate our concerns. Public records indicate that the nominee presided over interlocutory proceedings in *Assafuah v. Attorney-General*, a case central to determining the status of the Chief Justice's office and, by extension, his own elevation to the position of Acting Chief Justice. Furthermore, he was part of the majority on the Supreme Court bench that voted to allow the fundamentally flawed removal process to continue.

This situation engages the timeless principle of *nemo iudex in causa sua*—that no person shall be a judge in their own cause. The appearance of a conflict of interest is palpable and undermines public confidence in the impartiality of the judiciary and his stewardship. His subsequent acceptance of a nomination to the substantive office, while the legality of the very vacancy he would fill is contested in multiple courts, demonstrates a troubling disregard for the *sub judice* rule and the principle that courts, not political actors, must resolve justiciable disputes.

4.0 CONCLUSION AND FINAL MESSAGES

To the Nominee: Although Justice Baffoe-Bonnie's previous tenure on the bench is recognised, his acceptance of this nomination amidst allegations of constitutional impropriety signifies a gross and detrimental failure of judicial leadership. At a moment when the judiciary's independence demanded a posture of restraint and principle, His Lordship chose acquiescence. The historical record will be unequivocal on this matter.

To the Mahama Administration: The NPP recognises the executive's role in the appointment of high judicial officers. However, this prerogative must be exercised with constitutional fidelity, not brute political force and desecration of the Constitution. We warn that political majorities are transient, but constitutional principles are eternal. Crucially, those who are using their offices and various schemes to enable the subversion of our constitutional order will, in due course, be held to account—politically, legally, and historically.

To the People of Ghana: We call on all citizens who cherish democracy and the rule of law to stand in defence of our Constitution. The NPP will witness this travesty, strongly condemn it, and publicly denounce its outcome. The Constitution is the sacred covenant of the Ghanaian

people, and we shall never relent in our duty to defend it.

The New Patriotic Party remains the resolute guardian of Ghana's constitutional democracy.

Signed

Justin Kodua Frimpong

General Secretary