

ABSTRACT

The Justice for All Kumasi Prison 2025 article examines the implementation and impact of the Justice for All Programme (JFAP) as an intervention aimed at promoting access to justice and reducing prolonged pre-trial detention within Ghana's correctional system. Held on Saturday, 20th December 2025 at the Kumasi Central Prisons, the programme brought judicial processes directly into the custodial environment to review remand cases, vary bail conditions, and address systemic barriers preventing inmates from exercising their constitutional rights under Articles 14(4) and 19(6) of the 1992 Constitution.

The article draws on first-hand observations from the court sitting, highlighting key challenges including low legal literacy among inmates, misconceptions surrounding bail execution, limited access to legal representation, socio-economic constraints, administrative delays, and the disproportionate nature of some bail conditions. Particular attention is paid to cases where bail had been granted but remained unexecuted, as well as applications brought before the court for variation, revealing the gap between the grant of bail and actual release.

The programme featured the participation of distinguished judicial officers, legal practitioners, and justice sector stakeholders, underscoring a collaborative approach to justice delivery. By situating the Justice for All Programme within the broader framework of criminal procedure and constitutional safeguards, the article demonstrates its relevance as both a practical reform mechanism and a learning platform for understanding justice administration in Ghana. Ultimately, the article argues that sustained legal education, improved legal aid services, and context-sensitive bail practices are essential to ensuring that the constitutional promise of justice for all is realised, even within custodial settings.



1. INTRODUCTION:

Access to justice is not suspended by incarceration. In constitutional democracies, the deprivation of liberty through lawful detention does not extinguish an individual's entitlement to due process, fair trial, and humane treatment. In Ghana, these guarantees are entrenched under Chapter Five of the 1992 Constitution, particularly Articles 14 and 19. Yet, systemic delays within the criminal justice process have historically resulted in prolonged remand detention, often exceeding reasonable constitutional limits (Judicial Service of Ghana, 2017; POS Foundation, 2019).

The Justice for All Programme (JFAP), introduced in 2007, constitutes a pragmatic institutional response to these challenges. By relocating judicial authority into custodial spaces through mobile in-prison courts, the Programme seeks to bridge the gap between constitutional promise and lived reality for incarcerated persons. The 2025 Justice for All Court Sitting at Kumasi Central Prison provides a compelling lens through which to assess the Programme's effectiveness, limitations, and future trajectory (Judicial Service of Ghana, 2017; POS Foundation, 2019).

This article situates the Kumasi sitting within Ghana's constitutional and criminal procedure framework and interrogates the extent to which the Programme advances substantive justice beyond procedural formality.

1.1. Brief Context of Kumasi Central Prisons

Kumasi Central Prison is a major correctional institution in Ghana and the administrative headquarters of the Ashanti Regional Prisons Command of the Ghana Prisons Service, which oversees seven prison establishments across the region. Established in 1901 during the colonial period, the prison is one of the country's oldest custodial facilities and is strategically located in Kumasi, the Ashanti Regional capital. Although originally designed to accommodate approximately 500 inmates, the facility currently houses about 1,600 inmates, reflecting chronic overcrowding resulting from rising incarceration rates and limited infrastructural expansion (Ghana Prisons Service, 2020).

Notwithstanding these constraints, Kumasi Central Prison remains a central hub for correctional administration and inmate rehabilitation in the region. The prison operates a broad range of vocational, educational, and rehabilitation programmes aimed at skills development and reintegration, supported through partnerships with public institutions, private organisations, and civil society actors. In addition, the Kumasi Female Prison formerly under the administrative control of the Central Prison operates as

an autonomous institution dedicated to the custody and rehabilitation of female inmates (Ghana Prisons Service, 2018; CHRAJ, 2015).

Overall, Kumasi Central Prison plays a pivotal role in Ghana's criminal justice system, balancing custodial responsibilities with rehabilitation objectives, while serving as a key site for justice-sector interventions, including the Justice for All Programme.



2. BACKGROUND OF THE JUSTICE FOR ALL PROGRAMME

2.1 Establishment and Objectives of the Justice for All Programme

The Justice for All Programme (JFAP) was established in 2007 as an intervention aimed at addressing persistent challenges within Ghana's criminal justice system, particularly the problem of prolonged pre-trial detention and severe prison overcrowding. The programme was instituted in response to constitutional and human rights concerns arising from the detention of accused persons beyond a reasonable period without trial, contrary to Article 14(4) of the 1992 Constitution (Republic of Ghana, 1992).

The programme operates through the establishment of mobile in-prison special courts, which bring judicial services directly into correctional facilities across the country. This innovative approach enables the expedited review and determination of remand cases, including bail applications, case dismissals, discharges, and acquittals, thereby reducing delays associated with conventional court processes (Judicial Service of Ghana, 2017).

The Justice for All Programme is implemented through a multi-agency collaborative framework involving the Judicial Service of Ghana, the Office of the Attorney-General, the Ghana Prisons Service, the Ghana Police Service, the Commission on Human Rights and Administrative Justice (CHRAJ), and civil society partners, notably the POS Foundation, which provides facilitation support. The programme operates under the supervision of the Office of the Chief Justice and is coordinated by the National Remand Review Taskforce (Judicial Service of Ghana, 2017).

The core objectives of the Justice for All Programme include:

- a) Reducing the remand and pre-trial inmate population;
- b) Decongesting prisons and improving custodial conditions;
- c) Enhancing access to justice for incarcerated persons;
- d) Safeguarding the constitutional rights of accused persons;
- e) Promoting efficiency and fairness in the administration of criminal justice (Judicial Service of Ghana, 2017; POS Foundation, 2019).

2.2 Legal and Constitutional Foundation of the Justice for All Programme

The Justice for All Programme (JFAP) is firmly anchored in the 1992 Constitution of the Republic of Ghana, statutory criminal procedure, and internationally accepted human rights standards. Its legal and constitutional foundation reflects Ghana's commitment to the rule of law, access to justice,

and the protection of the fundamental rights of persons in custody (Republic of Ghana, 1992; ICCPR, 1966).

At the constitutional level, the programme derives primary authority from Article 14 of the 1992 Constitution, which guarantees personal liberty and regulates lawful arrest and detention. In particular, Article 14(4) mandates that a person arrested or detained upon reasonable suspicion of having committed an offence must be brought before a court and tried within a reasonable time, failing which, bail may be granted (Republic of Ghana, 1992). The Justice for All Programme operationalises this provision by facilitating timely judicial review of remand cases directly within prison facilities (Judicial Service of Ghana, 2017).

The programme is also supported by Article 19, which guarantees the right to a fair trial, including the presumption of innocence and the right to be tried within a reasonable time. Prolonged pre-trial detention without effective judicial oversight undermines these constitutional safeguards. By enabling in-prison court sittings, the Justice for All Programme promotes procedural fairness and prevents unjustified delays in criminal proceedings (Judicial Service of Ghana, 2017).

Further constitutional legitimacy is found in Article 23, which requires administrative bodies and officials to act fairly and reasonably, and Article 125, which vests judicial power in the courts and authorises the judiciary to determine matters affecting the liberty of persons (Republic of Ghana, 1992). The conduct of special court sessions within prisons remains an exercise of lawful judicial authority and does not derogate from due process.

Statutorily, the programme is consistent with the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), which governs arrest, remand, bail, and trial procedures in Ghana. The programme facilitates the application of bail provisions, case reviews, and discontinuance of proceedings in accordance with Act 30, particularly where prosecutorial delay or lack of evidence is evident (Act 30; Attorney-General's Department, 2018).

In addition, the Justice for All Programme aligns with Ghana's international human rights obligations under instruments such as the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR), both of which emphasise the right to liberty, the prohibition of arbitrary detention, and the right to a fair and speedy trial (African Charter, 1981; ICCPR, 1966).

2.3 Institutions Involved in the Justice for All Programme

The Justice for All Programme (JFAP) is a collaborative justice-sector initiative that brings together key constitutional and statutory institutions whose combined mandates ensure effective access to justice, protection of fundamental rights, and the efficient administration of criminal justice (Judicial Service of Ghana, 2017). The programme's success depends on strong inter-institutional cooperation, particularly within custodial settings.

2.3.1 The Judiciary

The Judiciary is the lead institution in the implementation of the Justice for All Programme. Judges of the Court of Appeal and the High Court preside over special in-prison court sittings to review remand cases, hear bail applications, consider variations of bail conditions, and issue appropriate judicial orders. Through the exercise of judicial power under Article 125 of the 1992 Constitution, the Judiciary ensures that detainees' constitutional rights to liberty and fair trial are respected (Republic of Ghana, 1992; Judicial Service of Ghana, 2017).

2.3.2 Office of the Attorney-General and Ministry of Justice

The Attorney-General's Department plays a central role in the programme by representing the State in criminal proceedings. State Attorneys review dockets, advise on the sufficiency of evidence, recommend withdrawal or discontinuance of cases where appropriate, and make submissions on bail and remand matters. This function is crucial in preventing unjustified or prolonged detention (Attorney-General's Department, 2018; CHRAJ, 2015).

2.3.3 Legal Aid Commission

The Legal Aid Commission provides legal representation and advisory services to inmates who are unable to afford private counsel. Legal Aid lawyers assist inmates with bail applications, applications for variation of bail terms, and general legal guidance. Their involvement ensures equality before the law and gives practical effect to the constitutional right to legal representation (Republic of Ghana, 1992; Legal Aid Commission, 2019).

2.3.4 Ghana Prisons Service

The Ghana Prisons Service facilitates the programme by providing the custodial environment within which the in-prison court sittings are conducted. The Service ensures the availability of inmates, maintains

security, provides logistical support, and supplies relevant inmate records and remand information. Its cooperation is essential to the smooth and orderly conduct of the programme (Ghana Prisons Service, 2018; Prisons Service Act, 1972 (NRCD 46)).

2.3.5 Judicial Service of Ghana (Administrative Support)

The Judicial Service, through its administrative and registry staff, supports the programme by managing court records, preparing cause lists, processing bail documentation, and ensuring that judicial orders made during the programme are properly recorded and executed (Judicial Service of Ghana, 2017).

2.3.6. Other Justice Sector Stakeholders

The programme also benefits from the involvement of other justice sector actors, including court clerks, prosecutors, prison legal officers, and observers from civil society and the media. Media coverage, such as the airing of proceedings on national television, enhances transparency, public legal education, and accountability (POS Foundation, 2019; CHRAJ, 2015).

3. Legal Framework Governing Pre-Trial Detention and Bail

3.1 Constitutional Rights of Arrested and Detained Persons

The protection of the rights of arrested and detained persons is a cornerstone of constitutional democracy and the rule of law. In Ghana, these rights are firmly entrenched in the 1992 Constitution, particularly under Chapter Five on Fundamental Human Rights and Freedoms, and are further reinforced by statutory provisions and judicial practice (Republic of Ghana, 1992; CHRAJ, 2015). The Justice for All Programme derives its legitimacy and operational relevance from these constitutional guarantees, particularly as they pertain to persons in lawful custody (Judicial Service of Ghana, 2017).

3.1.1 Right to Personal Liberty

Article 14(1) of the 1992 Constitution guarantees the right to personal liberty and provides that no person shall be deprived of liberty except in accordance with procedure permitted by law. Arrest and detention must therefore be lawful, justified, and carried out strictly within the confines of the law. Arbitrary arrest or detention is unconstitutional (Republic of Ghana, 1992).

3.1.2 Right to Be Informed of the Reason for Arrest

Under Article 14(2), a person who is arrested, restricted, or detained must be informed immediately, in a language they understand, of the reasons for their arrest and of their right to consult a lawyer of their choice. This provision ensures transparency in law enforcement actions and protects individuals from secret or unexplained detention (Republic of Ghana, 1992).

3.1.3 Right to Legal Representation

Article 14(2) and Article 19(2)(f) guarantee the right of an arrested or detained person to legal representation. Where a person cannot afford a lawyer, the Constitution mandates that legal aid be provided at the expense of the State in appropriate cases. The involvement of the Legal Aid Commission in the Justice for All Programme gives practical effect to this constitutional safeguard (Republic of Ghana, 1992; Legal Aid Commission, 2019).

3.1.4 Right to Be Brought Before a Court Within a Reasonable Time

Article 14(3) provides that a person who is arrested or detained for the purpose of bringing them before a court must be brought before a court within **48 hours**. Failure to comply renders the detention unlawful unless the prosecution can justify the delay. This right is particularly significant in addressing prolonged remand situations, which the Justice for All Programme seeks to remedy (Republic of Ghana, 1992; CHRAJ, 2015).

3.1.5 Right to Bail

Article 14(4) establishes the right to bail, stating that a person arrested or detained shall be released on bail, with or without sureties, unless the court considers that there are sufficient grounds to deny bail. Bail must not be excessive and should be reasonable in the circumstances. The programme often focuses on bail applications and the variation of onerous bail conditions that effectively amount to a denial of liberty (Republic of Ghana, 1992; Judicial Service of Ghana, 2017).

3.1.6 Presumption of Innocence

Article 19(2)(c) guarantees that every person charged with a criminal offence is presumed innocent until proven guilty according to law. Detention pending trial must therefore not be punitive. This principle underpins judicial discretion in granting bail and reviewing remand cases during in-prison court sittings (Republic of Ghana, 1992).

3.1.7 Right to a Fair Trial

Article 19 of the Constitution guarantees the right to a fair trial within a reasonable time by an independent and impartial court. This includes the right to adequate time and facilities to prepare a defence, the right to be heard, and the right to examine witnesses. Prolonged remand without trial undermines this right and offends constitutional justice (Republic of Ghana, 1992; ICCPR, 1966).

3.1.8 Protection Against Inhuman or Degrading Treatment

Article 15 prohibits torture and cruel, inhuman, or degrading treatment or punishment. Arrested and detained persons must be treated with dignity and humanity, regardless of the nature of the alleged offence. Conditions of detention, including overcrowding, sanitation, and access to healthcare, are therefore matters of constitutional concern (Republic of Ghana, 1992; United Nations, 2014).

3.1.9 Right to Habeas Corpus and Judicial Review

An arrested or detained person has the right to challenge the legality of their detention through judicial processes such as habeas corpus. The courts retain supervisory jurisdiction to ensure that executive and law enforcement authorities act within the law (Republic of Ghana, 1992).

3.1.10 Special Protection for Vulnerable Persons

The Constitution and related laws recognize the need for special protection for vulnerable categories of detainees, including women, juveniles, and

persons with disabilities. Gender-sensitive and rehabilitative approaches, particularly within female custodial facilities, are essential to upholding constitutional standards (Republic of Ghana, 1992; CHRAJ, 2015).

3.2 Right to Trial Within a Reasonable Time

The right to a trial within a reasonable time is a fundamental component of the right to personal liberty and fair trial under Ghana's 1992 Constitution. This right is enshrined in Article 14(4) and reinforced by Article 19(2), ensuring that no person is subjected to prolonged detention without judicial determination of their case (Republic of Ghana, 1992).

3.2.1 Constitutional Basis

Article 14(4) provides that a person arrested or detained and not tried within a reasonable period is entitled to unconditional release or release subject to necessary conditions. The Constitution does not define a fixed period for "reasonable time," leaving its determination to judicial discretion based on the circumstances of each case. Article 19 further guarantees trial without undue delay (Republic of Ghana, 1992).

3.2.2 Pre-Trial Detention in Ghana

Prolonged pre-trial detention has been a persistent challenge in Ghanaian prisons. Overcrowding, administrative inefficiencies, delays in police investigations, and prosecutorial backlogs often result in inmates spending more time awaiting trial than the maximum sentence for the alleged offence (CHRAJ, 2015; Ghana Prisons Service, 2018). For example, at Kumasi Central Prison, the authorised capacity is 500 inmates, yet it houses approximately 1,600, a situation exacerbated by a high number of remand prisoners. Many detainees, unaware of their constitutional rights, remain in custody due to lack of legal representation, financial constraints for bail, or misconceptions about the bail process (Ghana Prisons Service, 2018).

3.2.3 Judicial Interpretation and Case Law

Ghanaian courts have recognised that detention beyond a reasonable period infringes constitutional rights. In *Fynn v. The Republic* [1971] 2 GLR 433, and other precedents, courts have emphasised the need for timely trials and the proportionality of pre-trial detention relative to the nature of the offence. The judiciary exercises discretion to grant bail, discharge, or expedite trials to enforce this constitutional safeguard.

3.2.4 Importance of the Right

The right to trial within a reasonable time is essential not only for the protection of individual liberty but also for public confidence in the justice system. It prevents arbitrary detention, reinforces the presumption of innocence, and ensures that justice is both timely and effective. Upholding this right reflects Ghana's commitment to the rule of law, human dignity, and fair administration of justice (ICCPR, 1966).

3.2.5 Challenges to Realising the Right

Despite the legal framework, practical challenges persist:

- Administrative delays and missing dockets;
- Limited legal representation for indigent inmates;
- Misconceptions about bail execution;
- Overcrowded prisons that hinder effective case management (CHRAJ, 2015).

These challenges underscore the importance of programmes like Justice for All, which combine judicial oversight, legal aid support, and institutional coordination to uphold the right to a timely trial.

3.2.6 Mechanisms to Ensure Timely Trials

The Justice for All Programme directly addresses the issue of prolonged pre-trial detention by establishing mobile in-prison courts. These courts:

- Review remand cases on a regular basis;
- Consider bail applications and variations;
- Ensure the early determination of cases where investigative or prosecutorial delays have occurred;
- Provide practical legal education to inmates on their right to a speedy trial (Judicial Service of Ghana, 2017).

Such interventions help enforce constitutional guarantees, reduce prison congestion, and prevent violations of human rights.

3.3 Bail under Ghanaian Criminal Procedure

Bail is a fundamental component of Ghana's criminal justice system, designed to balance the liberty of accused persons with the interest of justice and public safety. It allows individuals accused of crimes to remain free while awaiting trial, subject to conditions imposed by the court. The Justice for All Programme underscores the importance of bail as a tool for reducing pre-trial detention and mitigating prison overcrowding (Republic of Ghana, 1992).

3.3.1 Constitutional and Legal Basis for Bail

The right to bail is anchored in the 1992 Constitution of Ghana, particularly Article 14(4), which provides that a person arrested or detained shall be released on bail, unless the court considers sufficient grounds to deny it. Bail is therefore a constitutional right and serves as a safeguard against arbitrary or prolonged detention.

Statutorily, bail is governed primarily by the Criminal and Other Offences (Procedure) Act, 1960 (Act 30):

- Section 15(1) stipulates that a person taken into custody without a warrant must be released within forty-eight (48) hours unless earlier brought before a court of competent jurisdiction.
- Section 96(1) provides that a court may grant bail to a person appearing before it, whether on process or after being arrested without a warrant, subject to a bond to appear before that court or another competent court at a specified time and place.

These provisions operationalise constitutional guarantees and ensure that pre-trial detention does not become punitive or arbitrary.

3.3.2 Occasions for Granting Bail

In Ghanaian criminal proceedings, bail may arise during several stages:

- a) After arrest and during investigations; **Police Enquiry Bail**
 - b) Before a trial or in the course of a trial; **Bail Pending Trial**
 - c) While an appeal is pending; **Bail Pending Appeal**
- i. **Police Enquiry Bail**

When a person is arrested, the police have the discretion to grant bail to ensure the individual is available for further investigations or trial. This is provided under Article 14(3) of the Constitution and Section 15

of Act 30. Police enquiry bail serves as an early mechanism to protect personal liberty while enabling investigative processes.

ii. **Bail Pending Trial**

This type of bail is granted by the courts before or during the course of a trial. It can be granted suo motu (on the court's own motion) or upon application by the accused, orally or in writing. Section 96(1) of Act 30 governs this form of bail, which ensures that pre-trial detention is minimized, particularly for minor offences or where the accused is not a flight risk.

iii. **Bail Pending Appeal**

Bail pending appeal allows a convicted person to remain free while appealing a conviction or sentence. According to Section 96(1) of Act 30 and established case law:

- In *Fynn v. The Republic* [1971] 2 GLR 433, the court held that bail pending appeal may be granted if:
 - There is an exceptional and unusual ground for the application;
 - The conviction is prima facie wrong with obvious prospects of success on appeal;
 - The nature of the offence allows the applicant to confer with counsel for proper appeal preparation;
 - The applicant is likely to serve the whole or a substantial part of the sentence before the appeal is heard due to delays in preparing the record or long court vacations.
- These principles were confirmed in *Republic v. Registrar of High Court; Ex parte Attorney-General* [1982-83] GLR 407, reinforcing judicial discretion in the grant of bail during appeals.

3.3.3 Types of Bail

Ghanaian criminal procedure recognises several forms of bail:

- a) **Personal Recognisance Bail:** The accused is released without a monetary deposit, relying on personal or surety guarantees to appear in court.
- b) **Monetary Bail:** The accused or surety deposits an agreed sum to secure release.

- c) **Conditional Bail:** The court may impose specific conditions such as regular reporting to police, surrender of travel documents, or restrictions on movement (Judicial Service of Ghana, 2017).

3.3.4 Judicial Considerations in Granting Bail

Courts consider multiple factors in granting or denying bail:

- a) Nature and seriousness of the alleged offence;
- b) Likelihood of the accused absconding;
- c) Risk of interfering with witnesses or evidence;
- d) Prior criminal record;
- e) Financial and social circumstances of the accused (Criminal and Other Offences (Procedure) Act, 1960 (Act 30)).

Judges are expected to ensure bail is fair and reasonable and does not unjustly restrict liberty, reflecting constitutional guarantees and statutory provisions.

3.3.5 Challenges in Bail Execution

The **Justice for All Programme** at Kumasi Prisons has highlighted practical obstacles in bail execution:

- a) Many inmates cannot meet the bail sum or provide suitable sureties;
- b) Misconceptions persist that bail sums must be paid directly in court;
- c) Administrative delays, missing dockets, or coordination issues between courts, prisons, and police slow execution;
- d) Lack of awareness among inmates regarding their rights to bail and the procedures involved (Judicial Service of Ghana, 2017; POS Foundation, 2019).

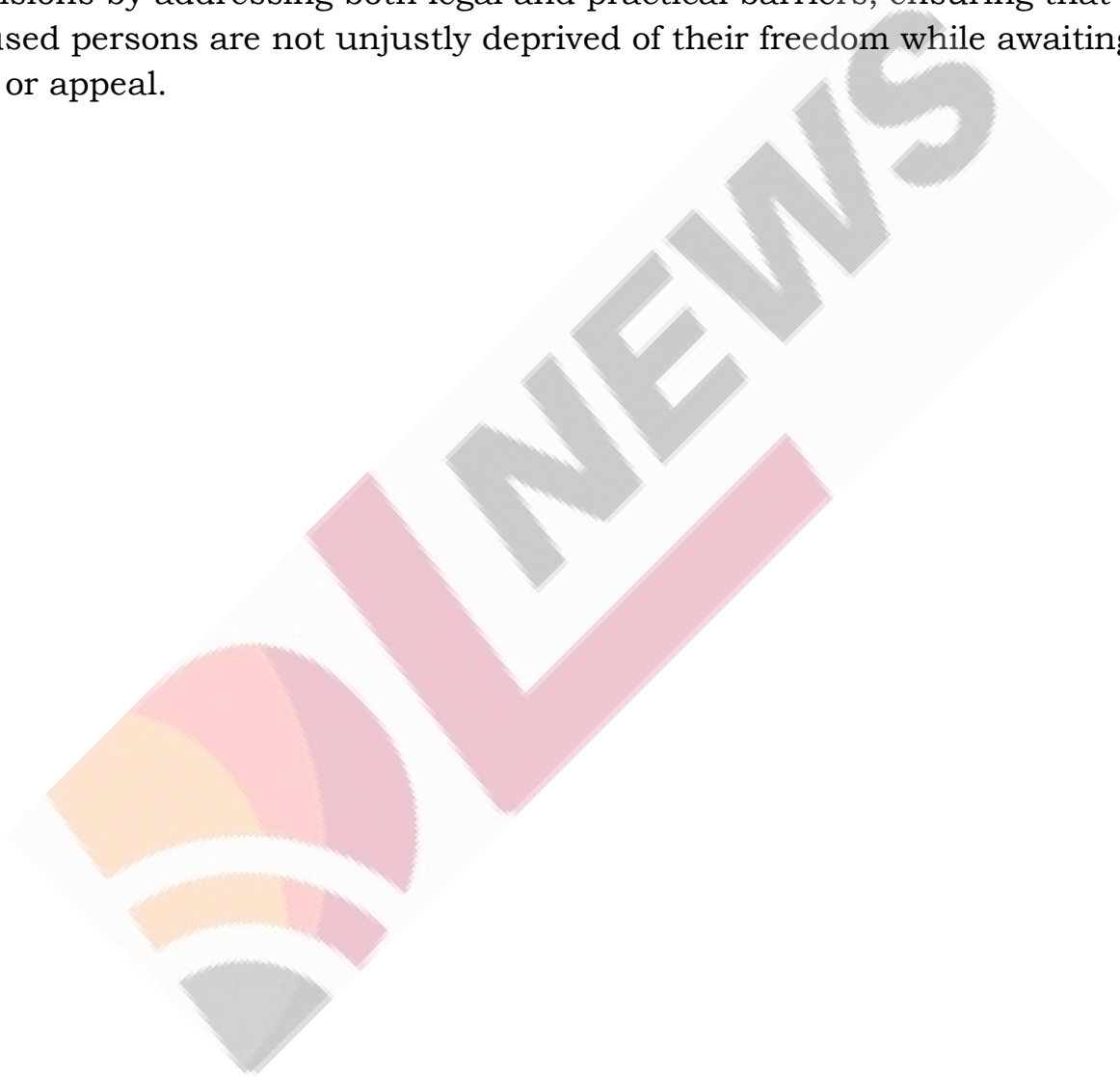
3.3.6 Importance of Bail in Criminal Justice

Bail serves multiple purposes:

- a) **Decongestion of prisons:** Reduces the remand population and eases overcrowding;
- b) **Protection of constitutional rights:** Ensures pre-trial detention is not punitive;

- c) **Facilitation of fair trial:** Allows accused persons to maintain employment, family ties, and access to legal counsel;
- d) **Efficient justice delivery:** Frees judicial resources to focus on trials requiring custodial oversight.

Bail under Ghanaian criminal procedure is both a constitutional right and a legal instrument to protect liberty while ensuring the effective administration of justice. The Justice for All Programme strengthens the enforcement of bail provisions by addressing both legal and practical barriers, ensuring that accused persons are not unjustly deprived of their freedom while awaiting trial or appeal.



4. THE JUSTICE FOR ALL PROGRAMME AT KUMASI PRISON: 2025 UPDATE

4.1 Date and Venue of the Programme: The Justice for All Programme at Kumasi Prison, 2025

The Justice for All Programme (JFAP) 2025 was held on Saturday, 20th December 2025, at Kumasi Central Prison, located in the heart of Kumasi, the regional capital of the Ashanti Region of Ghana. This venue was strategically chosen due to its central role as the seat of the Ashanti Regional Prisons Command and its significance in addressing the challenges of remand and pre-trial detention in the region.

4.2 Composition of the Court

The Justice for All Programme Court Sitting held at Kumasi Central Prison in 2025 was duly constituted as a High Court, in accordance with the constitutional and statutory framework governing criminal jurisdiction in Ghana. The composition of the court reflected a deliberate blend of experience and subject-matter competence, underscoring the seriousness and authority of the proceedings.

The programme was supervised by Her Ladyship Justice Afia Serwaah Asare Botwe, a Justice of the Court of Appeal, whose presence provided strong appellate oversight and enhanced judicial consistency in the review of remand and bail-related matters. Her leadership ensured that decisions taken during the sitting were firmly grounded in constitutional principles, established precedent, and sound judicial discretion.

She was ably supported by Her Ladyship Justice Hannah Taylor, a Justice of the High Court, and His Lordship Justice Abdul Razak, also a Justice of the High Court. Both Justices brought extensive experience in criminal adjudication, particularly in matters relating to bail, remand review, and long-standing criminal cases. Their participation ensured that proceedings were conducted efficiently while maintaining strict adherence to procedural fairness and due process.

The constitution of the panel as a High Court enabled it to exercise full criminal jurisdiction, including the power to hear and determine remand cases, grant or vary bail, strike out defective charges, record convictions where appropriate, and make consequential orders. This judicial authority was essential to achieving the objectives of the Justice for All Programme, particularly the timely disposal of cases and the protection of the constitutional rights of inmates.

Overall, the composition of the judicial panel reflected a robust, credible, and independent judicial presence, reinforcing public confidence in the Justice for

All Programme and demonstrating the Judiciary's commitment to ensuring access to justice for persons in custody.

4.3 Role and Contribution to the Justice for All Programme at Kumasi Prison: 2025

As part of the Justice for All Programme at Kumasi Central Prison (2025), Mr. Emmanuel Brobbey served in the dual capacity of Court Clerk and Court Interpreter, a role that was integral to the effective administration of justice and the facilitation of meaningful inmate participation during the High Court sittings.

In his role as Court Clerk, Mr. Brobbey provided critical administrative and procedural support to the court. His responsibilities included the calling of cases, coordination and management of court records, and general assistance in ensuring that proceedings were conducted in an orderly, efficient, and procedurally compliant manner. This support was particularly significant given the volume of remand, bail, and long-standing cases reviewed within a limited timeframe, and it contributed directly to the smooth conduct and timely disposal of matters before the court.

More importantly, Mr. Brobbey's role as Court Interpreter was central to safeguarding the constitutional right to a fair hearing. A substantial number of inmates were unable to fully comprehend legal terminology, procedural language, and the implications of court orders when proceedings were conducted solely in English. Through accurate, impartial, and clear interpretation between English and relevant Ghanaian languages, he ensured that inmates understood the nature of the charges against them, the conditions attached to bail, and the specific orders made by the court.

This interpretative support enabled inmates to engage more meaningfully with the judicial process, communicate effectively through counsel, and make informed decisions regarding bail execution and compliance with court directives. By minimising misinterpretation and confusion, this intervention enhanced transparency, procedural fairness, and confidence in the justice delivery process within the custodial environment.

However, observations made during the programme revealed that language interpretation alone is insufficient to fully address the broader gap in legal understanding among inmates. Persistent misconceptions were observed in relation to bail procedures, remand processes, and the scope of constitutional rights. These challenges underscore the need for structured legal education and continuous sensitisation programmes within correctional

facilities to complement the judicial interventions undertaken under the Justice for All Programme.

The role performed by Mr. Emmanuel Brobbey, alongside other court officials and stakeholders, was instrumental in bridging communication gaps between the court and inmates, thereby enhancing access to justice and procedural fairness. Nonetheless, sustained legal education initiatives remain necessary to ensure that inmates are not only heard but are also adequately empowered to understand and effectively exercise their rights within Ghana's criminal justice system.

4.4 Nature of Cases Reviewed: Remand, Bail, and Long-Standing Matters

The Justice for All Programme (JFAP) 2025 at Kumasi Central Prison was specifically designed to address the backlog of cases involving remand prisoners, review bail applications, and resolve long-standing criminal matters. The programme provided a practical forum where judges, prosecutors, legal aid lawyers, and prison authorities collaborated to ensure that constitutional and legal safeguards were effectively implemented for incarcerated individuals.

4.4.1 Remand Cases

Remand prisoners, who are individuals detained pending trial or investigation, often face prolonged detention due to delays in court proceedings, investigations, or prosecutorial processes. Many of these detainees may spend months, or even years, awaiting trial, sometimes exceeding the maximum penalty for the alleged offence.

During the programme, judges reviewed the status of remand cases, including:

- a) The duration of detention relative to the nature of the alleged offence;
- b) The adequacy of evidence for prosecution;
- c) The possibility of early trial or dismissal where no sufficient evidence existed;
- d) Identification of cases suitable for bail or alternative measures to reduce pre-trial detention.

4.4.2 Bail Applications

A significant focus of the programme was the review of bail applications, including:

- a) Initial bail applications for inmates who had not yet attempted to execute the conditions of bail;
- b) Variations of existing bail bonds, particularly where the initial bail conditions were onerous or unreasonably high;
- c) Clarifying misconceptions among inmates, such as the belief that the full bail sum must be paid directly in court before release;
- d) Ensuring that eligible inmates were released promptly, while balancing the need to secure their appearance at trial.

Bail review under the programme also highlighted practical challenges in bail execution, such as the inability to meet surety requirements, delays in documentation, and lack of awareness of legal rights. By addressing these issues, the programme reinforced the constitutional right to liberty and fair trial and reduced unnecessary pre-trial detention.

4.4.3 Long-Standing Matters

The programme also targeted cases that had been pending for extended periods, often due to:

- a) Delays in police investigations or prosecutorial processes;
- b) Administrative backlogs within court and prison systems;
- c) Lack of legal representation or inadequate follow-up on prior judicial orders.

Judges reviewed such cases to:

- a) Expedite the hearing and determination of pending matters;
- b) Identify instances where charges could be withdrawn or amended;
- c) Provide guidance on the execution of court orders that had been delayed, including fines, restitution, or conditional releases.

This component of the programme ensured that justice was not only delivered in new cases but also in matters that had lingered unnecessarily, demonstrating the programme's commitment to the principle of timely justice.

4.5 Impact of Case Reviews

By addressing remand, bail, and long-standing cases collectively, the programme achieved several objectives:

- a) Reduced prison congestion by facilitating the release of eligible remand prisoners;
- b) Ensured compliance with constitutional rights, particularly Articles 14 and 19;
- c) Enhanced access to justice for inmates, especially those without legal representation;
- d) Streamlined court processes, improving efficiency in case management;
- e) Educated inmates and prison staff on procedural rights and obligations.

4.6 REPORT ON THE JUSTICE FOR ALL PROGRAMME AT KUMASI PRISON: 2025.

It is encouraging to report that official figures from the Records Unit of the Ghana Prisons Service indicate a significant decline in the remand prisoner population over the years. As of 18 December 2025, remand inmates constitute 12.47% of the total prison population, a sharp contrast to the 33% recorded at the commencement of the Justice for All Programme in 2007. This notable progress is the product of sustained inter-institutional cooperation and continuous capacity enhancement across the criminal justice sector.

An examination of aggregate data from the Justice for All Programme since its inception in 2007 demonstrates a consistent reduction in remand populations, with outcomes recorded as follows:

Outcome	Number	Percentage of Total Cases
Total Inmates	4,843	–
Discharged	862	17.80%
Granted Bail	1,743	35.99%
Convicted	183	3.78%
Referred to Psychiatric	39	0.81%
Dismissed Applications	2,016	41.63%

The aggregate data from the Justice for All Programme (JFAP) since its inception in 2007 provides clear empirical evidence of the programme's impact on remand populations and access to justice within Ghana's prison system.

Out of a total of 4,843 inmates whose cases were reviewed under the programme, the outcomes reflect a strong orientation toward decongestion, rights protection, and judicial oversight.

First, 1,743 inmates (35.99%) were granted bail, representing the largest single positive outcome. This indicates that a significant proportion of remand prisoners were deemed suitable for release pending trial, underscoring the programme's effectiveness in correcting prolonged or unnecessary pre-trial detention.

Secondly, 862 inmates (17.80%) were discharged, meaning that nearly one-fifth of all reviewed cases resulted in the complete release of inmates, often due to lack of evidence, prosecutorial delays, or unlawful detention. This outcome highlights the programme's role in preventing miscarriages of justice and enforcing constitutional safeguards under Articles 14 and 19 of the 1992 Constitution.

In contrast, 183 inmates (3.78%) were convicted, demonstrating that the programme does not serve merely as a release mechanism but also ensures that cases with sufficient evidence proceed to lawful determination. This reinforces public confidence that the initiative balances individual liberty with public interest.

A smaller proportion, 39 inmates (0.81%), were referred for psychiatric assessment, reflecting judicial sensitivity to mental health considerations and the need for appropriate treatment rather than continued incarceration.

Finally, 2,016 applications (41.63%) were dismissed, the largest percentage outcome. This suggests that while access to review was broad, judicial scrutiny remained rigorous, ensuring that only meritorious applications benefited from relief. The high dismissal rate underscores the independence and integrity of the courts, confirming that the programme does not compromise legal standards.

Collectively, the data demonstrates that over 53% of reviewed cases (discharged and granted bail combined) resulted in outcomes that directly reduced the remand population. This confirms the Justice for All Programme's central objective of decongesting prisons while safeguarding due process.

The distribution of outcomes reflects a balanced and credible justice intervention one that corrects unlawful detention, facilitates fair trial rights,

addresses special needs cases, and upholds accountability through lawful convictions and dismissals. The data therefore validates the Justice for All Programme as a sustainable and impactful mechanism for improving criminal justice administration in Ghana.

From The Court Sitting at Kumasi Prisons during the Justice for All Programme 2025, the following outcomes were recorded:

Outcome	Number
Total Pre-Trial Cases Presented	41
Bail Applications Granted	15
Pre-Trial Prisoners Discharged	4
Referred for Psychiatric Treatment	1
Cases Dismissed/Struck Out	3
Bail Applications Refused	12
Convictions	9

The outcomes recorded from today's court sitting at Kumasi Prisons reflect the practical and balanced application of the objectives of the Justice for All Programme, particularly in addressing pre-trial detention, bail review, and case resolution.

A total of 41 pre-trial cases were presented before the court for review. Of these, 15 bail applications were granted, indicating that over one-third of the inmates reviewed were deemed suitable for release pending trial. This outcome underscores the court's commitment to upholding the constitutional right to liberty while ensuring the continued availability of accused persons for trial.

Additionally, four (4) pre-trial prisoners were discharged, demonstrating judicial intervention in cases where continued detention was no longer justified, either due to insufficient evidence, prosecutorial delays, or procedural defects. This directly contributes to prison decongestion and the prevention of unlawful detention.

The court also referred one (1) inmate for psychiatric treatment, reflecting sensitivity to mental health considerations and recognition that incarceration

may be inappropriate where underlying mental health issues affect criminal responsibility or fitness to stand trial.

Furthermore, three (3) cases were dismissed or struck out, reinforcing the principle that only cases meeting legal and evidentiary thresholds should proceed. This outcome highlights the judiciary's role in filtering unmeritorious or defective prosecutions.

Conversely, twelve (12) bail applications were refused, demonstrating that the programme does not operate as an automatic release mechanism. Bail was denied where the court considered factors such as the seriousness of the offence, risk of absconding, or potential interference with investigations or witnesses.

Finally, nine (9) convictions were recorded, confirming that the Justice for All Programme also facilitates the conclusion of cases where guilt is established, thereby serving both the interests of justice and public safety.

In aggregate, the outcomes from today's sitting reveal a measured and judicious approach. While a significant number of inmates benefited from bail or discharge, the refusal of bail in appropriate cases and the recording of convictions underscore the programme's credibility and integrity. The sitting therefore achieved its dual mandate of protecting constitutional rights and ensuring accountability, while making a meaningful contribution to the reduction of unnecessary pre-trial detention at Kumasi Prisons.

5. OBSERVATIONS FROM THE JUSTICE FOR ALL COURT SITTING

During the Justice for All Court Sitting at Kumasi Prisons, I observed that the majority of cases presented on that day primarily concerned breaches of **Articles 14(4) and 19(6) of the 1992 Constitution**, which protect the rights of arrested or detained persons to a trial within a reasonable time and punishment more harshly for a crime than the maximum penalty that existed when the offence was committed.

Article 14(4) of the 1992 Constitution provides that:

“Where a person is arrested, restricted or detained under paragraph (a) or (b) of clause (3) of this article is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial”.

Article 19(6) of the 1992 Constitution provides that:

“No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.”

A significant portion of the cases also involved **bail applications brought under Section 96 of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30)**, governing the principles for the grant of bail.

I observed that submissions made by the accused persons’ lawyers were often grounded in landmark judicial decisions, including the **Martin Kpebu v. Attorney-General** cases, which have established important precedents on the rights of remand prisoners. In addition, certain cases considered provisions under **Section 162(A) of Act 1079 on Plea Bargaining** pursuant to the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), as amended. These submissions reflected a proactive legal approach aimed at ensuring timely trials, lawful bail procedures, and alternatives to lengthy incarceration.

This observation underscores that while the Justice for All Programme has achieved notable success in reducing remand prisoner numbers and expediting case resolutions, many inmates still rely heavily on the intervention of the courts and competent legal representation to safeguard their constitutional rights and access justice effectively.

5.1 Observations on Constitutional Rights and Prisoners’ Awareness:

During the Justice for All Court Sitting held at the Kumasi Central Prisons, several key observations were made regarding the limited awareness among inmates of their constitutional rights under Articles 14(4) and 19(6) of the 1992 Constitution.

a) Low Levels of Legal Literacy

It was observed that a significant number of inmates possess limited understanding of basic legal concepts and constitutional provisions. Many prisoners were unfamiliar with their right to be tried within a reasonable time or to legal representation, largely due to low levels of formal education and limited exposure to legal information.

b) Inadequate Communication of Rights at the Point of Arrest

From interactions with inmates, it emerged that many were not properly informed of their constitutional rights at the time of arrest. Where such information was provided, it was often done in a cursory or technical manner, making it difficult for detainees to comprehend its significance.

c) Limited Access to Legal Representation

The observation was made that a majority of remand prisoners lacked legal representation. Financial constraints and the limited reach of the Legal Aid Commission have resulted in many inmates navigating the criminal justice process without professional legal guidance.

d) Absence of Structured Legal Rights Education in Prison

There appeared to be no consistent or institutionalised legal orientation programme for inmates within the facility. Awareness of constitutional rights was largely dependent on occasional interventions by external stakeholders rather than a sustained internal framework.

e) Impact of Overcrowding on Rights Awareness

Severe overcrowding within the prison was observed to negatively affect efforts at legal education. Administrative focus is understandably directed towards security and inmate management, leaving limited room for systematic rights sensitisation.

f) Language Barriers

It was observed that the use of English as the primary language in legal proceedings presents a major barrier to understanding for many inmates who are more fluent in local languages. This significantly limits effective comprehension of constitutional rights and court processes.

g) Delays in the Criminal Justice Process

Many inmates expressed frustration over prolonged remand periods and repeated adjournments. These delays often resulted in resignation and reduced motivation to inquire into or assert their constitutional rights.

h) Fear of Victimization

Some inmates appeared reluctant to ask questions or assert their rights due to fear of being labelled as troublesome or facing possible victimisation, which further contributes to their lack of engagement with legal processes.

i) Socio-Economic Vulnerability of Inmates

The programme revealed that many inmates come from economically disadvantaged backgrounds, which had limited their access to legal information even before their arrest. This vulnerability continues to affect their ability to understand and assert their rights while in custody.

j) Limited Institutional Coordination on Rights Education

It was observed that while several state institutions and civil society organisations are mandated to promote human rights awareness, coordination and sustained engagement within the prison setting remain limited, resulting in gaps in continuous legal education.

5.2 Bail Applications: Execution Challenges and Inmates' Awareness

During the Justice for All Court Sitting held at the Kumasi Central Prisons, several observations were made in respect of bail applications that were brought before the court for variation, as well as cases in which bail had been granted but no attempt had been made to execute the bail bond.

a) Inability to Meet Original Bail Conditions

It was observed that many applications for variation arose because the original bail conditions—particularly requirements for sureties with landed property or persons of substantial means—were beyond the capacity of the accused persons and their families to satisfy.

b) Economic Hardship of Inmates and Their Families

A considerable number of inmates were unable to execute bail due to extreme financial constraints. Even where bail was non-cash, the indirect costs associated with documentation, transportation, and follow-up proved prohibitive.

c) Lack of Suitable or Qualified Sureties

Several inmates indicated that they could not identify persons who met the legal criteria to stand as sureties. In other cases, willing relatives lacked the necessary proof of identity, residence, or ownership required to support the bail bond.

d) Breakdown of Family and Social Support Systems

The court observed instances where inmates had limited or no contact with family members, or where family relationships had deteriorated, leaving them without external assistance to pursue bail execution.

e) Geographical and Logistical Barriers

Potential sureties were often located in distant communities, making it difficult for them to travel to court or the prison to execute bail. These logistical challenges frequently resulted in prolonged detention despite the grant of bail.

f) Misconception Regarding Payment of Bail Sums

A notable observation was that many inmates believed that the bail sum stated by the court had to be paid in cash before release. This widespread misconception discouraged inmates and their families from making any attempt to execute bail, even where the bail conditions required only sureties and no monetary payment.

g) Lack of Legal Guidance and Representation

The absence of legal representation meant that many inmates did not receive adequate explanation of bail terms, the process of execution, or the distinction between cash bail and recognisance. This contributed significantly to non-execution and the need for bail variation applications.

h) Administrative and Procedural Delays

Delays in processing bail documents between the court registry, police, and prison authorities were observed to impede the timely execution of bail, even in cases where inmates had taken steps to comply with the conditions.

i) Disproportionate or Stringent Bail Conditions

In some cases, bail conditions were initially imposed without sufficient consideration of the socio-economic circumstances of the accused, necessitating applications for variation to make the bail terms reasonable and executable.

j) Existence of Multiple Cases or Police Holds

It was further observed that some inmates had additional pending cases or police holds in other jurisdictions, which prevented their release notwithstanding the grant or variation of bail in the instant matter.

Overall, these observations demonstrate that the challenges surrounding bail execution are multifaceted, encompassing economic hardship, misinformation, administrative inefficiencies, and social constraints. The Justice for All Programme provided a critical opportunity for the court to review, vary, and clarify bail conditions to ensure that the grant of bail translates into actual release, in keeping with the constitutional right to personal liberty.

5.3 Observation on Plea Bargaining

During the Justice for All Court Sitting, I observed that many accused persons initially misunderstood the concept of plea bargaining, believing it was a negotiation that would result in them serving longer prison sentences because they had admitted to committing the offence. In several instances, considerable time was devoted to allowing the accused persons' lawyers to carefully explain the process, emphasizing that plea bargaining is intended to expedite case resolution, reduce pre-trial detention, and, where appropriate, potentially lessen the sentence. This highlighted the critical need for proper legal guidance to ensure that accused persons fully understand their options and the benefits of the plea bargaining system.

6. Purpose, Focus, and Forward-Looking Objectives of the Article

This article is motivated by a deliberate effort to document, analyse, and illuminate the practical workings and impact of the Justice for All Programme at Kumasi Central Prison in 2025, while situating the programme within Ghana's broader constitutional and criminal justice framework. Beyond reporting on the event, the article seeks to provide an informed professional reflection on how in-prison court sittings contribute to the protection of fundamental rights, the reduction of pre-trial detention, and the promotion of fair and efficient justice delivery.

The article addresses key systemic challenges within the criminal justice system, particularly prolonged remand detention, limited understanding of constitutional rights among inmates, difficulties in bail execution, and administrative bottlenecks that delay case resolution. By examining remand reviews, bail decisions, long-standing cases, and judicial outcomes, the article highlights both the successes of the Justice for All Programme and the structural gaps that continue to undermine access to justice for incarcerated persons.

A central focus of the article is the gap between legal rights and practical awareness. Observations from the programme reveal that many inmates are unaware of their rights under the 1992 Constitution, misunderstand court orders, or are unable to execute bail due to financial, social, or informational constraints. The article therefore emphasises the need for continuous legal education, effective communication, and institutional coordination to ensure that judicial interventions translate into real and sustained relief for inmates.

Looking to the future, the article aims to inform policy, influence reform, and stimulate stakeholder engagement. It advocates for the strengthening of the Justice for All Programme through regular sittings, enhanced legal aid services, structured inmate sensitisation programmes, and improved administrative support across the justice sector. The article also seeks to serve as a reference point for legal practitioners, public administrators, policymakers, civil society organisations, and the general public in understanding the critical role of in-prison courts in advancing justice.

Ultimately, the article aspires to contribute to a justice system where liberty is not unjustly curtailed, detention is lawful and proportionate, and access to justice is a practical reality for all persons, including those behind prison walls. By documenting the Kumasi Prison 2025 sitting, the article reinforces the enduring objective of the Justice for All Programme: justice that is timely, humane, and truly accessible to all.

7. RECOMMENDATIONS

Per observations made, several challenges remain, including limited awareness among inmates of their constitutional rights, misconceptions regarding bail execution, administrative delays, and the continued need for legal representation for many vulnerable detainees. Addressing these challenges is critical to sustaining the progress of the Justice for All Programme and ensuring that every citizen's right to a fair and timely trial is upheld.

Based on these insights, I recommend the following measures:

a) Enhanced Legal Awareness for Inmates

Regular, structured rights education programmes should be implemented within prisons to ensure that all inmates understand their rights under Articles 14(4) and 19(6) of the 1992 Constitution, including bail procedures and the conditions for release.

b) Strengthening Access to Legal Representation

Expansion of pro bono legal services by private practitioners, in collaboration with civil society organizations and the Legal Aid Authority, will help ensure that vulnerable inmates can navigate the justice system effectively.

c) Improved Administrative Efficiency

Courts, prisons, and investigative agencies should coordinate closely to minimize delays in the processing of bail and case documents, ensuring that remand prisoners do not spend unnecessary time in detention.

d) Review and Adaptation of Bail Conditions

Judges and magistrates should continue to consider the socio-economic realities of detainees when granting bail or varying conditions, making the process more accessible and executable.

e) Continued Capacity Building and Monitoring

Ongoing training for judges, court staff, and investigators, coupled with monitoring and evaluation of programme outcomes, will ensure that lessons learned are applied and successes are sustained.

f) Implementation of Plea Bargaining and Alternative Measures

The implementation of plea bargaining under Section 162(A) of Act 1079, together with other alternatives to full trial, should be actively pursued as a strategic mechanism for reducing prison overcrowding and expediting the resolution of criminal cases. However, to ensure that these measures do not undermine the constitutional right to a fair trial, they must be applied within clearly defined safeguards. These include the requirement that accused persons voluntarily consent to any plea arrangement without coercion or undue influence; guaranteed access to competent legal representation to ensure full understanding of the process, implications, and consequences; and strict judicial oversight to confirm that any agreement is lawful, fair, and consistent with the interests of justice. Additionally, the process must be transparent and properly recorded, with clear documentation of the accused person's informed acknowledgment and acceptance of the terms, while preserving the right to withdraw from the arrangement, to appeal, or to proceed to a full trial where fundamental rights are perceived to be at risk. Within this framework, the Justice for All Programme continues to make a meaningful impact on the lives of remand prisoners in Ghana, and with sustained collaboration, focused reforms, and strong institutional commitment, the criminal justice system can increasingly deliver justice that is efficient, humane, and equitable for all citizens.



8. CONCLUSION

In conclusion, participation in the Justice for All Court Sitting at Kumasi Prisons has reinforced the importance of collaborative interventions in improving access to justice for remand prisoners. The data and proceedings observed during the programme clearly demonstrate that concerted efforts by the Judiciary, law enforcement agencies, prosecutorial bodies, the Legal Aid Authority, and civil society partners, particularly POS Foundation, have contributed to a significant reduction in the remand prisoner population from 33% in 2007 to 12.47% in 2025. Today's court sitting further highlighted the tangible impact of these interventions: bail applications were granted, pre-trial prisoners were discharged, and vulnerable individuals received appropriate attention, preventing prolonged incarceration without trial.



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About the Author

Emmanuel Brobbey is a Public Administration Specialist with extensive experience in court administration, legal interpretation, and case management. With his experience in the Judicial Service, he has demonstrated exceptional skills in organizing case files, managing court records, facilitating court proceedings, and supervising administrative staff. His role also encompasses accurate interpretation of court proceedings between English and various Ghanaian languages, as well as translating legal documents while maintaining confidentiality and impartiality.

Emmanuel holds Master's degrees in Public Administration from Kwame Nkrumah University of Science and Technology (KNUST) and also pursued a Bachelor of Laws (LLB) at the Presbyterian University of Ghana, with professional training ongoing at the Ghana School of Law. He also holds a Bachelor of Arts in Economics from KNUST. His diverse experience includes data management, financial administration, and administrative roles in public institutions, equipping him with a unique blend of legal, administrative, and analytical expertise.

A dedicated, reliable, and adaptable professional, Emmanuel is known for his strong organizational abilities, effective communication skills, attention to detail, and commitment to ethical practice. He is passionate about promoting access to justice, improving public sector processes, and contributing to institutional growth and societal development.

In addition to his professional work, Emmanuel enjoys reading, learning new languages, debating, public speaking, and participating in team sports.

