



TEACHER TRAINEES' ASSOCIATION OF GHANA (TTAG) JUDICIAL COMMITTEE (JC)



ADDRESS: C/O ACCRA COLLEGE OF EDUCATION, P.O.BOX 221, LEGON-ACCRA

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OUR REF: TTAG/JC/22/025

YOUR REF: DATE: 18TH JULY, 2022

TTAG JUDICIAL COMMITTEE'S RULING ON A PETITION FILED BY SAO BERNARD AND DENNIS ADU KWABENA CHALLENGING THE MANDATE AND MEMBERSHIP OF THE CONSTITUTIONAL REVIEW COMMITTEE'S CHAIRMAN OSCAR KOFI AGBO AND THE SECRETARY JOHN BAGURI

JC PANEL

ERNEST MESIWOTSO GHOOSE (CHAIRMAN)
NICHOLAS KELVIN AGBONI (SECRETARY)
ERNEST BIEMIBA KPARIBO (NAT. COORDINATOR)
FAROUK JABURT CHIMSA (MEMBER)
MAWULI MOSES (MEMBER)
ABUBAKAR IBRAHIM (MEMBER)
ALEX TORGBUIVI (MEMBER)

SUIT NO: TTAG/JC/003/2020

**MR. SAO BERNARD
MR. DENNIS ADU KWABENA**

PLAINTIFFS

VERSUS

**MR. OSCAR KOFI AGBO
(CHAIRMAN - CRC)**

FIRST DEFENDANT

**MR. BAGURI JOHN
(SECRETARY - CRC)**

SECOND DEFENDANT

INTRODUCTION

This is a joint petition filed by Mr. Sao Bernard [1st Petitioner] and Mr. Dennis Adu Kwabena [2nd Petitioner] on **12th August, 2020** invoking the original jurisdiction of the Judicial Committee (herein referred to as JC) of the Teacher Trainees' Association of Ghana (herein referred to as TTAG) under **Articles; 5 [Clauses 1,2,3,4 and 5], 26 and 35** of the TTAG constitution.

On 13th August, 2020, the JC issued an order of restraint to the CRC leadership, directing them to halt their activities and involvement in the Committee. The JC also directed the CRC leadership to hand over all minutes since the commencement of the activities of the CRC to the National President within 48 hours.

The Petitioners [herein referred to as Plaintiffs/Applicants] have sought to revoke the mandate and membership of the Constitutional Review Committee's Chairman [Mr. Oscar Kofi Agbo – 1st Respondent] and the Secretary [Mr. John Baguri – 2nd Respondent].

The Petitioners pray the Judicial Court of TTAG to grant four (4) reliefs against the leadership of the Constitutional Review Committee (herein referred to as CRC) leadership on alleged grounds of partisan political party activities and electoral fraud if found culpable. The reliefs sought by Petitioners are:

1. A declaration that, “Mr. Oscar Kofi Agbo who is a known partisan politician should not be allowed to draft a constitution for our non-partisan association-the TTAG.”
2. A declaration that, “Mr. Oscar Kofi Agbo should be removed from the committee and should be barred from any TTAG official duties and responsibilities indefinitely.”
3. A declaration that, “Mr. Baguri John who chaired a fraudulent and unconstitutional election should also not be allowed to review any constitution for the Association on the grounds of lack of credibility and acting contrariwise to the TTAG constitution.”
4. A declaration that “Since they are the leaders of the Committee, we pray your honourable court to order the said persons to submit all minutes and documents in their custody, both hard and soft copies of the CRC to the Chief Justice of the TTAG Judicial Committee before the trial commences.”

BACKGROUND TO THE PETITION

From 25th to 28th August, 2016, the Teacher Trainees’ Association of Ghana (TTAG) held its 21st **Annual National Delegates Congress** at the Tamale Senior High School to discuss matters of interest to the Association and its membership including election of new executive officers.

The 21st **Annual National Delegates Congress** having observed the gradual phasing out of the TTAG constitution formed a **five-member** Constitutional Review Committee (CRC) under **Article 36 (4)** to review the current constitution. During the 23rd **General Assembly** held at Gbewaa College of Education, Pusiga from 26th to 30th April, 2018, four (4) additional members were appointed to the CRC increasing the membership to nine (9).

Four (4) years after the formation of the CRC, Sao Bernard and Dennis Adu Kwabena on 12th August, 2020 petitioned the Judicial Committee on the following **Statements of Claim that:**

1. “Mr. Oscar Kofi Agbo on so many occasions and platform has/is openingly shown/showing and declared/declaring his stands about his partisan political party which goes against the dictates and the spirit of the TTAG constitution as far as the Article 5 (clauses 1,2,3,4, and 5) is concern.”
2. “Mr. Baguri John whilst in office as the TTAG National Coordinator and doubled as the Chairman of the TTAG National electoral commission for the 2015/2016 academic year misconducted himself through electoral fraud.”

3. "Mr. Baguri John whilst in office as Chairman of the TTAG electoral commission conducted and spearheaded national elections and did not count the ballots but fraudulently declared some people winners."
4. "The action undertaken by Mr. Baguri John brought the name of TTAG into disrepute and saw countless petitions after that declarations which nearly caused disunity among the ranks and files of the Association's members."

STATEMENT ON ADJUDICATION PROCEDURES

First Notice of Hearing

We, the Judicial Committee having been mandated by the **Articles (35) and (40)** of the Association's constitution served a first notice of hearing on 20th June, 2022 to parties [Petitioners and Respondents] involved to commence adjudication procedures on Saturday, 25th June, 2022 at the Accra College of Education, Accra.

At 11:51 am of Friday, 24th June, 2022, the Petitioners wrote a letter to the Judicial Committee acknowledging receipt of a hearing notice but declined to appear for hearing. **[Find attached a certified copy of the Petitioners response to the Judicial Committee – EXHIBIT A].**

At 11:51 pm of Friday, 24th June, 2022, the Judicial Committee filed a reply to the Petitioners. The Committee used the opportunity to clear the wrong impression assumed by the Petitioners and provided information on the current state of the matters brought before it. **[Find attached a certified copy of the JC's response to the Petitioners - EXHIBIT B].**

Having failed to appear for hearing, the Petitioners [Sao Bernard and Dennis Adu Kwabena] requested for an adjournment of hearing "Sine Die" meaning, indefinitely in the course of the Committee's hearing. The letter dated Saturday, 25th June, 2022 was received at 2:24am of Sunday, 26th June, 2022 by the JC Secretary. **[A copy of the certified request is attached - EXHIBIT C]**

On 28th June, 2022, at exactly 7:47pm, the JC received another request from the Petitioners upon serving them a final notice of hearing. The Petitioners in the backdated letter requested for all minutes, attendance list and resolutions of the Committee from June 1st to date. **[A copy of the certified request is attached - EXHIBIT D]**

The Judicial Committee, however declined the Petitioners request for officially certified records and indefinite adjournment of hearing. **[A copy of the JC's response is attached - EXHIBIT E]**

The 2nd Respondent Mr. John Baguri could not appear before the Judicial Committee for its first hearing at the Accra College of Education, Accra. The 1st Respondent Mr. Oscar Kofi Agbo, appeared before the Judicial Committee for hearing. He filed the necessary documents during the hearing at the Accra College of Education.

The Committee adjourned hearing and decided to give the 2nd Respondent and the Petitioners a second chance which shall be the final notice of hearing. However, the Committee stated clearly that, in default of appearance, judgment may be given without further notice to the parties in the case.

Second and Final Notice of Hearing

On 28th June, 2022, the Judicial Committee served a final notice of hearing to the 2nd Respondent and the Petitioners. The hearing was scheduled to commence on Friday, 1st July, 2022 at 6:00pm for the Petitioners and Saturday, 2nd July, 2022 at 6:00pm for the 2nd Respondent respectively via Zoom. Details of the Zoom hearing were duly provided to all parties.

On 1st July, 2022 at exactly 8:19am, the 1st Petitioner [Mr. Sao Bernard] in another backdated letter singlehandedly requested for the recusal of a Judicial Committee member.

The Petitioners again failed to honour the final notice of hearing. However, at exactly, 6:02pm, 2 minutes after the commencement of the hearing, the 2nd Petitioner [Mr. Dennis Adu Kwabena] called the JC Secretary that, he could not honour the invitation for the hearing.

According to him, he was attending to an emergency situation. He added that, he was traveling and could not appear before the Committee. All attempts to reach out to the 1st Petitioner [Mr. Sao Bernard] had proven futile.

The 2nd Respondent [Mr. John Baguri] appeared before the Judicial Committee for hearing. Though, the Petitioners again failed to file any substantive evidence to support their petition, the JC decided to interrogate the Respondents on the statements of claim.

FINDINGS, RECOMMENDATIONS AND VERDICT

The Judicial Committee do hereby issue the following findings, recommendations and verdict upon delving into the issue extensively.

FINDINGS

The Judicial Committee's independent engagement and fact checks have confirmed that:

1. On 13th August, 2020, the JC issued an order of restraint to the CRC leadership, directing them to halt their activities and involvement in the Committee.
2. The Petitioners were not willing to comply with the Committee to provide evidences to support their claims that, Mr. Oscar Kofi Agbo is a known partisan politician.
3. The 2020 summary of nomination of Presidential Elections published by the Electoral Commission of Ghana captured fourteen (14) political parties in Ghana [NPP, GUM, PPP, NDC, GFP, NDP, APC, CPP, GCPP, UPP, PAP, UFP, LPG and PNC]. The Petitioners failed to tell the exact political party of the 1st Respondent to assist the Committee in its investigation.
4. The Petitioners failed to provide evidence on a known political party of the 1st Respondent to assist the Committee in its investigation.
5. A ruling given by the Judicial Committee dated 28th day of September, 2016 had addressed or settled the matter between the parties as reiterated in the Petitioners' statements of claim against the 2nd Respondent.

6. The 1st Petitioner Mr. Sao Bernard told the Judicial Committee in **6 minutes 20 seconds audio** that, he had once met the JC at Freeman Methodist Guest House in Kumasi, and had provided evidences the JC had requested for. Our engagements with the Mr. Adjei Kwame Nkrumah-led JC on evidences filed by the Petitioners revealed otherwise.
7. The Petitioners' constant sneaking and excuses were attempts to evade appearance before the JC on their own petition.

RECOMMENDATIONS

We recommend that:

1. Anyone filing a Petition should invoke appropriate Articles and Clauses in the TTAG constitution in support of the petition/suit.
2. There should be established facts or determination of a breach of the TTAG constitution before passing judgement on any accused or suspected person (s).
3. Since the Petitioners failed to support their petition with evidences, it is in good fate to reinstate the restrained leadership of the CRC.
4. The Association should empower the JC.
5. Anyone who files a case or suit against any member of the Association but fails to defend or provide evidences and facts, which may bring financial loss to the Association or impugn the integrity of the accused person should be sanctioned.
6. Any person whose case is brought for adjudication but fails to honour judicial invitations and procedures which may bring financial loss, harm, and disrepute to the Association and any member should be sanctioned.
7. Members, executive officers and affiliates should at all times adhere accordingly to the calls of the Judicial Committee on any matter affecting or likely to affect the interest of the Association.
8. NEC should liaise with the CRC to ensure that, the reviewed constitution is promulgated **before the 27th Annual National Delegates Congress**.
9. Article 5 clause 5 of our constitution states that “**the activities of TTAG shall be conducted in accordance with the laws of the Republic of Ghana**”. It is therefore imperative on NEC, GA, Congress, JC or any Judicative body, when served petition(s), to endeavour to uphold the principles of audi altera partem (fair hearing), prima facie evident to determine a breach or otherwise before sanctions are passed and reliefs granted or otherwise.
10. The Association should strictly enforce Article 31 of the TTAG constitution to executive officers or workers or members of the TTAG against any legal or other liabilities as may be incurred in a legitimate and legal execution of duties as assigned them.
11. NEC must engage the CRC leadership to plan for promulgation of the reviewed TTAG constitution.

VERDICT

We unanimously ruled that:

1. The petition filed against the leadership of the CRC is hereby **quashed** and therefore, the leadership are reinstated to continue their work.
2. With reference to **Articles 36(4)** under which the CRC was formed, the Committee is hereby directed to continue the review of the entire TTAG constitution.
3. The CRC leadership must serve NEC and JC **within 5 days after the date of this ruling**, a final document of their work.
4. The National Secretariat in collaboration with NEC **must summon a mini Congress** to promulgate the reviewed TTAG constitution **before the 27th Annual National Delegates Congress of TTAG** in order for the new TTAG constitution to be used to organize the next elections.



.....
NICHOLAS KELVIN AGBONI
SECRETARY, JUDICIAL COMMITTEE



.....
ERNEST MESIWOTSO GHOOSE
CHAIRMAN, JUDICIAL COMMITTEE

CC:

NATIONAL EXECUTIVE COUNCIL (NEC) - TTAG
NATIONAL SECRETARIAT – TTAG
ALL SECTOR SECRETARIATS – TTAG
ALL LOCAL TTAG (SRC) SECRETARIATS
SAO BERNARD – 1ST PETITIONER
DENNIS ADU KWABENA – 2ND PETITIONER
OSCAR KOFI AGBO – 1ST RESPONDENT
JOHN BAGURI – 2ND RESPONDENT
FILE

EXHIBIT A

Abenase M/A JHS
P.O. Box 15
Ejisu – Onwe
Ashanti Region
24th June, 2022

The Chairman
Judicial Committee
Teacher Trainees' Association of Ghana
C/O P. O. Box 221
Legon-Accra

Dear Sir,

ACKNOWLEDGEMENT OF RECEIPT WITHOUT PREJUDICE

We, the under signed, write to acknowledge receipt of a hearing notice from your committee dated 20th June, 2022 with reference number TTAG/JC/22/006 and without any prejudice to the inherent procedural flaws and resentments. Respectfully, the judicial committee is a creation of law and not a law unto itself and as such must be guided by the true and proper interpretation of the principal enactment and regulations of this Association, especially as you are in the position of trust and your conducts are governed according to established laws.

We unreservedly object to the manner in which this hearing was called, because there is a pending matter which was brought by the respondents that is, Oscar Kofi Agbor and John Baguri challenging the constitutionality of the Judicial Committee in assuming jurisdiction over this determination and by so doing, another appellate body that is NEC was petitioned to make a pronouncement on it. In that matter brought before NEC, has a direct effect on the outcome of your work. If your committee proceeds on determining the substantive matter, will amount to sub judice or prejudicial and unjustifiably taint your revered committee to have violated the principle of NEMO JUDEX IN CAUSA SUA.

In furtherance of due process of law, your committee cannot preempt the outcome of what the NEC might come out with. Let it be established that, as persons WHO uphold the sanctity of

the association's constitution to the highest order cannot glorify or neither be a party to shambolic procedure which the posterity will accuse us as having perpetrated a great anomaly.

Let it further be noted that, at anytime that the constitutionality of your committee to assume jurisdiction over this petition is established by NEC, we shall humbly avail ourselves to provide sufficient evidence to justify our petition.

THANK YOU.



BERNARD SAO
1ST PETITIONER
(0245185314)



DENNIS ADU KWABENA
2ND PETITIONER
(0547764573)



**TEACHER TRAINEES' ASSOCIATION
OF GHANA (TTAG)
JUDICIAL COMMITTEE (JC)**



ADDRESS: C/O ACCRA COLLEGE OF EDUCATION, P.O.BOX 221, LEGON-ACCRA

EMAIL: ttagjc@gmail.com

TEL: 0245383170/0545238073

OUR REF: TTAG/JC/22/017

YOUR REF: DATE: 24TH JUNE, 2022

ABENASE M/A JHS

P.O. BOX 15

EJISU – ONWE, A/R

Dear Petitioners,

EXHIBIT 'B'

RE: ACKNOWLEDGEMENT OF RECEIPT WITHOUT PREJUDICE

The Judicial Committee (herein referred to as JC) wishes to clear the wrong impression assumed by you [Petitioners] and to provide information on the current status of the matters brought before it [SUIT NO: TTAG/JC/003/2020].

We want to unequivocally state that, the constitutionally established Judicial Committee has not erred nor inherent procedural flaws in its **NOTICE OF HEARING** served to both **Petitioners and Respondents** to appear before the Committee as you [Petitioners] have speculated in your letter dated Friday, 24th June, 2022. Also, the Judicial Committee has not assumed unconstitutional jurisdiction or assigned to itself unconstitutional powers to determine the finality of the pending case.

We acknowledge the fact that, the **Respondents** Mr. Oscar Kofi Agbo [CRC Chairman] and Mr. John Baguri [CRC Secretary] have petitioned the National Executive Council (NEC) of the TTAG in a letter dated 6th January, 2021 captioned **PETITION TO CHALLENGE THE ILLEGALITY AND WRONGFUL ASSUMPTION OF JURISDICTION BY THE JUDICIAL COMMITTEE** on an order of restraint written by the then JC dated 13th August, 2020 sanctioning the leadership of the Constitutional Review Committee [Herein referred to as CRC] to halt their activities, involvement and membership until final judgement is determined. The action, according to the **Respondents** was based on articles: 28 clause 2 subsection (a, b and c) and 35 as quoted by the then JC in the letter of restraint.

We wish to bring to your attention that, following the **Respondents'** petition to NEC, on 1st April, 2021, NEC had written to JC after its meeting asking them to call the leadership of the CRC to appear before it for a hearing on the petition filed against them.

NEC had since referred the **Respondents'** case back to JC and directed them to try every possible means to meet the **Respondents** and final verdict made be submitted to NEC on 18th April, 2021. [Our Ref: TTAG/JC/21/003].

NEC had also, in a **LETTER OF APPEAL** dated 21st April, 2021 appealed to the **Respondents** to appear before JC before 1st May, 2021 to answer some questions and help resolve the case before JC. **[Our Ref: TTAG/KOA/21/001]**.

On 22nd April, 2021, NEC had written back to JC to grant them **[Respondents]** the benefit of their excuses and arrange to meet them again from 22nd April, 2021 to 1st May, 2021 and report to NEC the outcome on 2nd May, 2021. **[Our Ref: TTAG/JC/21/004]**

With these positive steps taken by NEC, it is explicitly clear that, there is no substantive matter before NEC for determination since same had been referred back to JC to commence adjudication procedures to resolve the matter.

The Judicial Committee does not in anyway want to "glorify or neither be a party to shambolic procedure which the posterity will accuse us as having perpetrated a great anomaly". The Judicial Committee believes that, it is right and proper at this material time to invite all parties for a hearing to amicably address the matters brought before it in the best interest of the Association [TTAG].

As stated in our **NOTICE OF HEARING** dated 20th June, 2022, you **[Petitioners]** are expected to appear before JC likewise the **Respondents** at the Accra College of Education for commencement of hearing on Saturday, 25th June, 2022 at exactly 8:30am.

Please, kindly take note that, in default of appearance, judgement may be given without any further notice to you.

Thank you.



AGBONI NICHOLAS KELVIN
SECRETARY, JUDICIAL COMMITTEE



GHOOSE MESIWOTSO ERNEST
CHAIRMAN, JUDICIAL COMMITTEE

ATTENTION: SAO BENARD – 1ST PETITIONER
DENNIS ADU KWABENA – 2ND PETITIONER

CC:

NATIONAL PRESIDENT, TTAG

JC FILE

EXHIBIT 'C'

Abenase M/A JHS
P. O. Box 15
Ejisu – One
Ashanti Region
25th June, 2022.

The Chairman
Judicial Committee
Teacher Trainees' Association of Ghana
C/O P. O. Box 221
Legion – Accra

REQUEST FOR HEARING ADJOURNMENT SINE DIE

We, the undersigned, respectfully request your committee to adjourn the hearing procedure “Sine Die”. This has become necessary due to some factual representations and claims made in your letter to us dated 24th June, 2022, with reference TTAG/JC/22/017 Co-signed by yourself and the Secretary to the Judicial Committee. Your Committee is strongly guided by Article 296 (a) (b) (c) of the 1992 Constitution of The Republic of Ghana.

The portentous nature of the matter under consideration cannot be rushed through and proper adjudicatory procedure be mutilated at the altar of urgency. We, humbly urge your committee to avoid rushing through with this case to avoid lengthy litigation in the aftermath, since your outfit is not the final arbiter of law and your decisions can be challenged.


At the spine of our adjournment request is that, a right to information request has been sent to the national secretariat, asking them to furnish us with certified copies of all correspondence between the NEC and the Judicial committee for the TTAG year ending 2021. This will ultimately inform us about the veracity of your claims in the letter referenced TTAG/JC/22/017 which stated that the NEC had given the determination on the petition filled by Oscar Kofi Agbor and John Baguri. This request however, has not yet been responded to and that will jeopardize our effective litigation if the hearing goes on.

Also, we were dismayed about your brazen response letter to us yesterday and has left us ambivalent whether your letter was the actual position of the judicial committee bond out of the decision-making quorum of the committee and consequently, a right to information request is

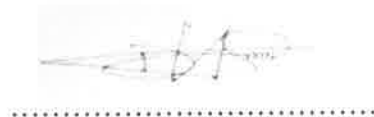
attached to this letter for the judicial committee to furnish us with the certified true copies of the proceedings that authorized the response to us.

Last but not the least, the adjournment has been necessitated by an administrative request we have made to the Data Protection Commission, an independent statutory body established under the data protection Act 2012 (Act 843) to protect the privacy of individuals and personal data by regulating the processing of the personal information. This action was taken to get clearance from them, in order not to violate the data protection Act because some of our evidence that we may rely on during the hearing process contains personal pictures, artifact among others of the respondent engaging in alleged partisan politics. However, the data protection commission is yet to give us the necessary clearance.

Per the above stated convincing reasons and in the supreme interest of rule of law, we urge the judicial committee to live up to the true meaning of their oath of office and the fidelity to the law to adjourn this hearing sine die. THANK YOU



BENARD SAO
1ST PETITIONER.
(0245185314)



DENNIS ADU KWABENA
2ND PETITIONER
(0547764573)

EXHIBIT B

Abenase M/A JHS
P. O. Box 15
Ejisu – Onwe
Ashanti Region
25th June, 2022.

The Chairman
Judicial Committee
Teacher Trainees' Association of Ghana
C/O P. O. Box 221
Legion – Accra

REQUEST FOR OFFICIALLY CERTIFIED RECORDS

Respectfully, in fulfillment of the constitutional provision in our association, in Article 5 (4) which states that "TTAG shall conduct its business in accordance to the laws of The Republic of Ghana".

As a sequel to the above and pursuant to Article 21 (1) (f) of the 1992 Constitution which state that "All persons Shall have the right to information subject to such qualification and laws as are necessary for democratic society".

In furtherance to RTI Act 2019, Act 989 we the undersigned request the following certified records from your outfit to enable us undertake a judicial process pending before the judicial committee of the Association.

1. All minutes, attendance list and resolutions of your committee from June 1st to date
2. The certified copy should be in hard copy and duly dispatch to the first petitioners address when it is ready

We hope for your co-operation.

THANK YOU



BERNARD SAO
1ST PETITIONER
(0245185314).



DENNIS ADU KWABENA
2ND PETITIONER
(0547764573)



TEACHER TRAINEES' ASSOCIATION OF GHANA (TTAG) JUDICIAL COMMITTEE (JC)



ADDRESS: C/O ACCRA COLLEGE OF EDUCATION, P. O. BOX 221, LEGON-ACCRA
EMAIL: ttagjc@gmail.com **TEL:** 0245383170/0545238073
OUR REF: TTAG/JC/22/018 **YOUR REF:** **DATE:** 28TH JUNE, 2022

Abenase M/A JHS
P. O. Box 15
Ejisu – Onwe
Ashanti Region

EXHIBIT 'E'

Dear Sir,

RE: REQUEST FOR HEARING ADJOURNMENT AND OFFICIALLY CERTIFIED RECORDS

The Judicial Committee [JC] has received your letters requesting for an indefinite adjournment ["Sine Die"] of hearing procedures and a request for officially certified records of the Committee.

In as much as we respect the **RTI Act, 2019, Act 989**, the Committee wishes to inform you that, your requests for officially certified records and indefinite adjournment cannot be granted.

The Judicial Committee believes that, you [**Petitioners**] are party to the case under adjudication and cannot disclose its strategies and roadmap on passing ruling and making recommendations on a neutral ground as an independent body to you [**Petitioners**] nor **anyone** as same may be contained in the officially certified records you have requested until final determination is made.

It has come as a surprise to the Committee that, administratively certified records of a month old constituted Judicial Committee will be the only information that will enable you [**Petitioners**] to undertake a judicial process pending before the Judicial Court of TTAG, since two (2) years after filing a petition.

Are you seeking to tell us that, your inability to appear before the JC is attributed to the fact that you do not have minutes of Committee's sittings or resolutions of the Committee from 1st June, 2022 till date?

We wish to reiterate that, the outcome of the Committee's meetings at this critical stage remains confidential to members and thus cannot be shared with any party outside our membership until final determination of cases brought before Judicial Committee.

Please, do not let your constant sneaking and excuses appear to the Judicial Committee as an attempt to evade appearance before the Committee. You are expected to present any evidence of your petition to the Committee if you so deem it necessary.

Kindly note that, nothing can bar the Judicial Committee from passing judgment if you [**Petitioners**] again fail to appear before the Committee to defend your petition filed on 12th August, 2020.



AGBONI NICHOLAS KELVIN
SECRETARY, JUDICIAL COMMITTEE



GHOOSE MESIWOTSO ERNEST
CHAIRMAN, JUDICIAL COMMITTEE

ATTENTION:

SAO BERNARD – 1ST PETITIONER

DENNIS ADU KWABENA – 2ND PETITIONER

CC:

**NATIONAL PRESIDENT, TTAG
FILE**



TEACHER TRAINEES' ASSOCIATION OF GHANA (TTAG) JUDICIAL COMMITTEE (JC)



ADDRESS: C/O ACCRA COLLEGE OF EDUCATION, P.O.BOX 221, LEGON-ACCRA
EMAIL: ttajc@gmail.com **TEL:** 0245383170/0545238073
OUR REF: TTAG/JC/22/024 **YOUR REF: DATE:** 18TH JULY, 2022

TTAG JUDICIAL COMMITTEE'S RULING ON A PETITION FILED BY SETH EFFAH CHALLENGING THE JURISDICTION, ACTIVITIES AND LEGITIMACY OF THE "LEADERSHIP" OF THE CONSTITUTIONAL REVIEW COMMITTEE (CRC) OF TTAG

JC PANEL

ERNEST MESIWOTSO GHOOSE	[CHAIRMAN]
NICHOLAS KELVIN AGBONI	[SECRETARY]
ERNEST BIEMIBA KPARIBO	[NAT. COORDINATOR]
FAROUK JABURT CHIMSA	[MEMBER]
MAWULI MOSES	[MEMBER]
ABUBAKAR IBRAHIM	[MEMBER]
ALEX TORGBUIVI	[MEMBER]

SUIT NO: TTAG/JC/004/2020

MR. SETH EFFAH

PLAINTIFF

VERSUS

**MR. OSCAR KOFI AGBO
(CHAIRMAN - CRC)**

FIRST DEFENDANT

**MR. BAGURI JOHN
(SECRETARY - CRC)**

SECOND DEFENDANT

INTRODUCTION

This is a petition filed by Mr. Seth Effah [Petitioner] on **12th August, 2020** invoking the original jurisdiction of the Judicial Committee (herein referred to as JC) of the Teacher Trainees' Association of Ghana (herein referred to as TTAG) under **Articles 34 clause 1, Article 40, schedule 1 and Article 28** of the TTAG constitution.

The Petitioner [herein referred to as Plaintiff/Applicant] is challenging the jurisdiction, activities and legitimacy of the "leadership" of the Constitutional Review Committee (herein referred to as CRC) of TTAG.

The Petitioner pray the Judicial Court of TTAG to grant four (4) reliefs against the CRC leadership if found culpable. The reliefs sought by the Petitioner are:

1. A declaration that, “the self-imposed chairman be made to refund **GHC7000.00** taken from the Association before the ratification of some of the committee’s members.”
2. A declaration that “these two members who have arrogated to themselves such prerogatives of being leaders should be called to order.”
3. A declaration that, “all the monies taken from the association on behalf of the committee without the consent of the committee members should be accounted for.”
4. A declaration that, “they should be propelled to apologize in writing to the NEC.”

BACKGROUND TO THE PETITION

A **five-member** Constitutional Review Committee (CRC) was formed at the **21st Annual National Delegates Congress of TTAG** held at the Tamale Senior High School from **25th to 28th August, 2016** under **Article 36 (4)** to review the current constitution.

During the **23rd General Assembly** held at Gbewaa College of Education, Pusiga from **26th to 30th April, 2018**, four (4) additional members were appointed to the CRC increasing the membership to nine (9).

Seth Effah who is a member of the CRC petitioned the Judicial Committee on **12th August, 2020** challenging the jurisdiction, activities and legitimacy of the CRC “leadership” two years after serving on the Committee.

The Petitioner raised the following **Statements of Claim against the “leadership of CRC that:**

1. The ‘leadership’ of the CRC being challenged is self-acclaimed and was not put in place by the committee nor the appointed authority.
2. The committee has been engaging in illegalities in terms of ratification of its member’s right from its constitution till date.
3. There is bitterness, lack of trust, and cohesion among the members of the committee and this in turn will affect the end product of the committee.
4. The committee has over stepped its boundaries assigned to it.
5. The committee at the 23rd General Assembly held at Pusiga was tasked to review some articles and clauses of our constitution to suit the current trends in the educational sector and other changes that might have occurred in the country but it has taken it upon itself to re-write a new constitution.
6. The committee is causing huge financial expenses (i.e about GHC 20,000.00 is taken so far) from the TTAG without making any head way.
7. The committees’ decision is always taken by ‘so-called five old members’ and have it binding on all the other members.
8. The CRC does not have any proper guide it follows which makes the expectation of the TTAG on the committee unabated.
9. The CRC ‘so-called leadership’ is deceiving and misleading the entire Association as well as disobeying NEC.
10. The ‘so-called leadership’ is masterminding the removal of a member of the committee.

STATEMENT ON ADJUDICATION PROCEDURES

First Notice of Hearing

We, the Judicial Committee having been mandated by the **Articles (35) and (40)** of the Association's constitution served a first notice of hearing on 20th June, 2022 to parties [Petitioner and Respondents] to commence adjudication procedures on Saturday, 25th June, 2022 at the Accra College of Education, Accra.

The seven-member Judicial Committee converged at the Accra College of Education, Accra from Friday, 24th June, 2022 to Sunday, 26th June, 2022 for commencement of hearing.

The Petitioner [Seth Effah] and the 2nd Respondent [John Baguri] could not appear for hearing as scheduled. According to the Petitioner, he was attending to his wife who had delivered on Thursday morning and was busy since Wednesday. The 2nd Respondent explained that, his inability to honour the invitation was due to a heavy downpour at Tarkwa which prevented him from continuing his journey to Accra for the hearing.

They [Petitioner and 2nd Respondent] also failed to file any evidence requested by the Judicial Committee. The 1st Respondent [Oscar Kofi Agbo] appeared before the Judicial Committee for hearing. He filed the necessary documents during the hearing at the Accra College of Education.

The Committee adjourned hearing and decided to give the 2nd Respondent and the Petitioner a second chance which shall be the final notice of hearing. However, the Committee stated clearly that, in default of appearance, judgment may be given without further notice to the parties in the case.

Second and Final Notice of Hearing

On 28th June, 2022, the Judicial Committee served a final notice of hearing to the 2nd Respondent and the Petitioner. The hearing was scheduled to commence on Friday, 1st July, 2022 at 6:00pm for the Petitioner and Saturday, 2nd July, 2022 at 6:00pm for the 2nd Respondent respectively via Zoom. Details of the Zoom hearing were duly provided to all parties.

The Petitioner again failed to honour the invitation for JC's hearing. A day after the hearing, the Petitioner texted the JC secretary that, his inability to join the hearing was that, his phone was not functioning properly. Meanwhile, the Committee made all attempts to speak to the petitioner during the hearing but he did not answer the calls from the JC.

The 2nd Respondent [John Baguri] appeared before the Judicial Committee for hearing. Though, the Petitioner again failed to file any substantive evidence to support his petition, the JC decided to interrogate the Respondents on the statements of claim.

FINDINGS

Our independent findings and fact-checks confirmed that:

1. A five-member CRC was formed at the 21st **Annual National Delegates Congress** held in Tamale. The members are **Mr. Oscar Kofi Agbo, Mr. John Baguri, Mr. Akayuure Akamere Moses, Mr. Osei Kwame and Ms. Lydia Dadzie.**
2. Additional four (4) members were appointed by the 23rd General Assembly making the members of the CRC nine (9). The four (4) members are **Mr. Seth Effah, Mr. Patrick Antwi Karikari, Mr. Idrissu Mohammed and Mr. Victus Nangkuu.**
3. In exception of Mr. Oscar Kofi Agbo who was present and sworn in at Congress by the then National Coordinator, all other members of the CRC were not present at the Congress sitting where the Committee's chairman was sworn in but, were subsequently sworn in at the 23rd General Assembly held at Gbewaa College of Education, Pusiga.
4. Mr. John Baguri was unanimously elected by the members of the CRC at its first meeting held at Freeman Methodist Guest House, Kumasi on 30th March, 2018. That notwithstanding, the chairman of the CRC - Mr. Oscar Kofi Agbo failed to officially inform the Secretariat on John Baguri's election.
5. Even though, the 21st **Annual National Delegates Congress** conferred the CRC chairmanship on Mr. Oscar Kofi Agbo, the Committee members reaffirmed his chairmanship at the same meeting.
6. The claim that, the leadership of the CRC is "self-acclaimed" and was not put in place by the Committee, neither the appointing authority is inaccurate.
7. The Petitioner, who is a member of the CRC has failed to justify his 2nd and 3rd statements of claim. That notwithstanding, our findings revealed otherwise.
8. Though the Petitioner Mr. Seth Effah failed to justify his 4th and 5th claims, the Committee investigated and findings revealed that, no specific Articles and Clauses of the TTAG constitution were proposed for review. Rather, the Committee was formed to review the entire constitution to suit the current trends in the educational sector and other changes that might have occurred in the country. This is upheld by Article 36 (4) of TTAG constitution.
9. The 2017/2018 NEC had approved an amount of **GH¢8,408.00** of the CRC budget for commencement of its work.
10. An amount of **GH¢7,000.00** out of the approved budget was released to CRC in tranches. The Financial Statement of the 2017/2018 TTAG administration has confirmed a payment of **GH¢7,030** with **GH¢30** as service charge.
11. Agreement was reached between CRC leadership and financial managers of TTAG and payment was made into the CRC Chairman's account for payment of transport fares, feeding, accommodation and stationaries.
12. Disbursement of **GH¢4,000.00** was made into the Chairman's ADB account and **GH¢3,000.00** into his MTN mobile money account for same purpose.
13. The **GH¢7,030** payment was made before the addition of the four (4) new CRC members.
14. The five-member CRC had four sessions [3 meetings in each session], making a total of 12 meetings to review the constitution.
15. The first and second sessions of the CRC sittings were fully funded by the Association that made the CRC to officially start work on 30th March, 2018, two years after its formation due to the Association's inability to finance the Committee.
16. The third session of the CRC sitting was partially funded by the Association. The remaining portion was funded by the Committee members.

17. There was zero funding for the fourth sitting of the CRC. In this regard, the Chairman of the CRC offered his two-bedroom apartment in Suhum in the Eastern Region as a provision of accommodation and cater for the CRC members to steadily progress with its task.
18. The CRC members paid their own transport for the fourth session.
19. The Association invited the CRC to all subsequent General Assembly meetings and Congresses of the TTAG in connection with their work of which they honoured. But the Association failed to pay their transport fares, neither were the CRC members given any honoraria.
20. The Chairman of the CRC, Mr. Oscar Kofi Agbo had his apartment ransacked with most of his valuables stolen when he, together with other CRC members honoured the Association's invitation to the 23rd Annual National Delegates Congress held in Ada, an occurrence which demands that he is indemnified.
21. Allegations/claims that, the committee is causing huge financial expenses without any headway is not accurate. The restrained leadership of the CRC presented a printed copy of their work to JC which confirmed that, they are almost done with the review of the constitution.
22. The 2019/2020 NEC made additional expenses on the CRC to finish its work. Records on such expenses were not made available at the TTAG Secretariat.
23. The nine-member CRC had its first face-to-face meeting from 31st July, 2020 to 2nd August, 2020 at Freeman Methodist Guest House, Kumasi to brief the four (4) new members on progress of work by the old five-member Committee.
24. After the leadership of the CRC was restrained, some of the CRC members met.
25. Mr. Patrick Antwi Karikari and Mr. Idrissu Mohammed are serving as acting CRC chairman and CRC secretary respectively. That notwithstanding, the committee did not officially inform the TTAG Secretariat on the acting leaders of the CRC.
26. Some of the CRC members restrained themselves from activities of the Committee pending JC's ruling on cases filed against the CRC leadership in solidarity with them.
27. Some of the CRC members have no knowledge on Mr. Patrick Antwi Karikari and Mr. Idrissu Mohammed as acting leaders of the Committee since they have restrained themselves from the CRC activities pending JC's ruling on the leadership.
28. There are no records made available to substantiate the claims that, decisions were always made by the "so-called five old members" of the CRC and it has its binding on all other members. Our further checks on communications among CRC members on its official WhatsApp platform before the petitions and order of restraint have revealed that, the Petitioner and other members have been part of decision making.
29. The Petitioner's 8th and 9th claims/allegations are inaccurate because, findings confirmed that rules, regulations and laid down procedures were put in place by the CRC to guide its work before the petitions and order of restraint against its leadership.
30. There is conflict of interest between CRC and JC since some members serve on both Committees.
31. The Association lacks proper records keeping, especially financial records of TTAG.

RECOMMENDATION

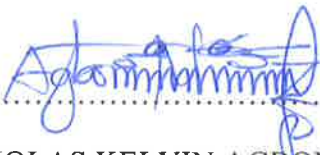
We recommend that:

1. Leadership of the Association should always serve appointees of any Committee of TTAG appointment letters and must outline their scope of work.
2. Any committee formed by NEC, GA and Congress whose leadership is to be elected among members of the said committee must write to the appointing authority on leadership status of the committee.
3. The Secretariat should always ensure proper and accurate records keeping.
4. There should be established facts or determination of a breach of the TTAG constitution before passing judgement on any accused or suspected person (s).
5. Anyone who files a case or suit against any member of the Association but fails to defend or provide evidences and facts, which may bring financial loss to the Association or impugn the integrity of the accused person should be sanctioned.
6. Any person whose case is brought for adjudication but fails to honour judicial invitations and procedures which may bring financial loss, harm, and disrepute to the Association and any member should be sanctioned.
7. Members, executive officers and affiliates should at all times adhere accordingly to the calls of the Judicial Committee on any matter affecting or likely to affect the interest of the Association.
8. NEC should liaise with the CRC to ensure that, the reviewed constitution is promulgated **before the 27th Annual National Delegates Congress**.
9. Article 5 clause 5 of our constitution states that **“the activities of TTAG shall be conducted in accordance with the laws of the Republic of Ghana”**. It is therefore imperative on NEC, GA, Congress, JC or any Judicative body, when served petition(s), to endeavour to uphold the principles of audi altera partem (fair hearing), prima facie evident to determine a breach or otherwise before sanctions are passed and reliefs granted or otherwise.
10. The Association should strictly enforce Article 31 of the TTAG constitution to executive officers or workers or members of the TTAG against any legal or other liabilities as may be incurred in a legitimate and legal execution of duties as assigned them.
11. The Association should indemnify the CRC chairman, Mr. Oscar Kofi Agbo who had his apartment ransacked with most of his valuables stolen while undertaking TTAG official duties.
12. NEC must engage the CRC leadership to plan for promulgation of the reviewed TTAG constitution.
13. The Association should empower the JC.
14. The CRC members should be compensated by the Association after their work.
15. The Association should keep accurate records especially financial records and minutes of meetings.


VERDICT

We unanimously ruled that:

1. The petition filed against the leadership of the CRC, Mr. Oscar Kofi Agbo and Mr. John Baguri is hereby **quashed** and therefore, the leadership are reinstated to continue their work.
2. With reference to **Articles 36(4)** under which the CRC was formed, the committee is hereby directed to continue the review of the entire TTAG constitution.
3. The leadership of the CRC was constitutionally formed and must be maintained.
4. With reference to **Article 8(2)**, it is unconstitutional for the 23rd G.A to review the decision of Congress on membership of the CRC without following the constitutional procedures. That notwithstanding, the Committee should be maintained to continue its work since they are almost done with their task before the determination of this case.
5. The CRC leadership must serve NEC and JC **within 5 days after the date of this ruling**, a final document of their work.
6. The National Secretariat in collaboration with NEC **must summon a mini Congress** to promulgate the reviewed TTAG constitution **before the 27th Annual National Delegates Congress of TTAG** in order for the new TTAG constitution to be used to organize the next TTAG elections.



NICHOLAS KELVIN AGBONI
SECRETARY, JUDICIAL COMMITTEE



ERNEST MESIWOTSO GHOOSE
CHAIRMAN, JUDICIAL COMMITTEE

CC:

NATIONAL EXECUTIVE COUNCIL (NEC) - TTAG

NATIONAL SECRETARIAT – TTAG

ALL SECTOR SECRETARIATS – TTAG

ALL LOCAL TTAG (SRC) SECRETARIATS

SETH EFFAH – PETITIONER

OSCAR KOFI AGBO – 1ST RESPONDENT

JOHN BAGURI – 2ND RESPONDENT

FILE