



# GHANA BAR ASSOCIATION

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## GHANA BAR ASSOCIATION'S STATEMENT ON THE CONDUCT OF THE BUREAU OF NATIONAL INVESTIGATIONS (BNI) IN DISOBEYING THE ORDERS OF THE CIRCUIT COURT, ACCRA GRANTING BAIL TO THE THREE FORMER SOUTH AFRICAN POLICE OFFICERS

The Ghana Bar Association (GBA) wishes to express its regret and grave displeasure at the conduct of the BNI in flouting the orders of the Circuit Court, Accra granting bail to the three former South African Police Officers.

It is against the rule of law for any person or institution to flout the orders of a court of competent jurisdiction especially, under our current constitutional dispensation.

The GBA condemns that conduct in no uncertain terms.

The BNI by sending the accused persons to court, had in law surrendered their custody to the court to decide on whether to remand them (and if so, into which custody) or to grant them bail. Once the court granted bail, the accused persons should have been released, as long as they were able to meet their bail conditions. By removing them from the court premises without allowing them to begin the process of fulfilling their bail conditions, the BNI acted in flagrant breach and disrespect of the Constitution.

The GBA has taken note of the Interior Minister's Press Statement of 28<sup>th</sup> March 2016, in which he suggested that the BNI, in not releasing the accused persons to the Court Registrar, were acting in accordance with a request from the Ghana Immigration Service to interrogate the accused persons. Respectfully, this is no justification for the illegality that occurred. The Ghana Immigration Service itself could have appeared in court that day to make that request to the judge. No individual or institution has the power to flout orders of the court in this manner.

The GBA notes that any system that allows an individual or institution to disobey orders made by a court of competent jurisdiction simply creates

