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**THE DIRECTOR GENERAL**
**GHANA PRISONS SERVICE**
**PRISONS HEADQUARTERS**
**P. O. BOX 2215**
**ACCRA, GHANA**

Date: 2nd July, 2025

Dear Madam,

**REQUEST TO ESTABLISH SYSTEMS FOR THE COMMISSIONING OF AFFIDAVITS FOR INMATES IN PRISON CUSTODY**

I write as Legal Counsel for some clients, presently serving a custodial sentence in some Prisons in Ghana. My clients, like many others in prison custody, are actively engaged in asserting their constitutional rights through legitimate judicial processes, which often require the execution of affidavits as part of applications and substantive suits filed in their name.

It is trite constitutional law, as provided under Article 19 of the 1992 Constitution of Ghana, that every person charged with a criminal offence is entitled to a fair trial. This includes the right to adequate facilities to prepare a defence and to pursue appeals or collateral claims post-conviction. Execution of affidavits is an indispensable component of the judicial process, particularly in applications such as habeas corpus, bail pending appeal, enforcement of fundamental human rights, and constitutional demand of fair trial under the 1992 Constitution.

However, it has come to my attention through practice that inmates in most prisons across the country are not afforded the facility to execute and commission affidavits within the prison environment due to lack of Commissioners of Oaths available within the prisons to commission affidavits or issue a certificate to authenticate the attached exhibits, if any. This omission in our criminal justice system effectively hinders access to justice and frustrates the constitutionally guaranteed right to a fair trial and legal recourse. This situation contravenes not only the spirit of the Constitution but also the Rules of Court governing affidavit practice, which require such documents to be properly commissioned by an authorised officer and in the presence of such an officer.

The absence of such facilities in our prisons compels reliance on third parties, including relatives, to execute affidavits on behalf of inmates, a practice that may undermine the authenticity, voluntariness, and accuracy of such depositions.

In the circumstances, I respectfully urge your high office to take urgent and appropriate legal steps to commission some designated Prison Officers of a certain rank within the Ghana Prisons Service as Commissioners for Oaths. This would ensure that inmates in lawful custody are not denied their right to personally participate effectively in legal proceedings involving their liberty and rights.

This reform, once implemented, will not only improve access to justice for inmates but will also enhance the integrity and efficiency of Ghana's criminal justice system and fulfil Ghana's obligations under both domestic and international human rights instruments.

I would be grateful if this matter is treated with the urgency and seriousness it deserves, and I am available for further engagement or collaboration on the legal modalities to actualise this important initiative.

Yours faithfully,

Dr. Joseph Kwaku Asamoah, Esq.
joebelconsult@gmail.com
Associate, Asante Krobea & Associate
Kumasi.

Cc:
Acting Chief Justice of the
Republic of Ghana