

Chapter 7

Costs and Delays in Accessing Justice: A Comparative Analysis of Ghana and Sierra Leone

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ABSTRACT

This chapter aims to examine the costs and delays in accessing justice in Ghana and Sierra Leone. It is argued that despite the promising and legal history of Ghana and Sierra Leone, with existing court structures and legal procedures on civil and criminal matters, the legal spaces of both countries are fraught with costs and delays in accessing justice. The authors used secondary data from the World Bank, Afrobarometer Report, statutes, court documents, website articles, etc. to underpin the write-up. It was found that citizens in both countries were confronted with delays and costs in accessing justice. It is recommended that in an era of cell phones and various apps, the justice sector should endeavour to go hi-tech by sending alerts to litigants, lawyers, and witnesses warranting their presence at an appointed date and time.

INTRODUCTION

Ghana and Sierra Leone have travelled a long path in terms of their political and legal history. It is expected that with their relative development strides, the challenges of excessive costs and delays associated with accessing justice in court will be at a minimal level. Unfortunately, this is not the case for both countries. It is for this reason that we want to do a comparative analysis of both countries in terms of costs and delays in accessing the court. This enquiry is premised against the following: a political and legal history of Ghana and Sierra Leone, court structures, as well as civil and criminal procedures.

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Costs and Delays in Accessing Justice

Some scholars and legal professionals have delved into the issues of delays and costs associated with accessing justice in the court of law. These scholars (Osse, 2020; Janofsky, 1983; Zuckerman, 1999; Yin, 2018; Baldwin, 2000; Melcame & Ramello, 2016; Yin, 2020; Boniface & Legg, 2010; Felso & Nooij, 2012; Dale, 2007; Wambua, 2017; Koroma, 2016, etc.) and many others have examined the challenges of cost and delays from unique approaches and perspectives. Despite the importance of these scholarly contributions, very few focused on Ghana and Sierra Leone. Osse's (2020) work represents an Afrobarometer report on Ghana. The World Bank (2010) project on specialized courts in Ghana is an important addition because it tackled the issue of delays into details of which this paper drew much on. However, the World Bank project was silent on costs whilst Osse's Afrobarometer report does not adequately discuss the issues of costs. These studies hardly examined the issues of costs and delays as related concepts with reference to other available secondary data. In the case of Sierra Leone, the literature is quite scanty on costs and delays. The works of Dale (2007), Wambua (2017), and Koroma (2016) represent good reports on barriers to justice in Sierra Leone. However, the focus of their studies suggests that there is a paucity of literature in the area of delays and costs in accessing justice. The various literature on both countries reveals a 'crack' in the area of costs and delays in accessing justice. We settled on Ghana and Sierra Leone because, in part, both countries share a common colonial history.

In this chapter, we argue that despite the promising and legal history of Ghana and Sierra Leone, with existing court structures and legal procedures on civil and criminal matters, the legal spaces of both countries are fraught with costs and delays in accessing justice. In our analysis, we used secondary data from different sources such as the World Bank, the Afrobarometer report, statutes, court documents, etc. to underpin our argument. This chapter is divided into six sections: Introduction, Political and legal history of Ghana and Sierra Leone, Court Structure of Ghana and Sierra Leone, Civil and Criminal Procedures, delays and costs associated with accessing justice, and the way forward. In the conclusion, we will review the lessons learned and the insights gained from the analysis.

POLITICAL AND LEGAL HISTORY

Ghana

Ghana (formerly Gold Coast), officially the Republic of Ghana, is a country in West Africa. It spans the Gulf of Guinea and the Atlantic Ocean to the south, sharing borders with the Ivory Coast in the west, Burkina Faso in the north, and Togo in the east. Ghana covers an area of 238,535 km² (92,099sq mi), spanning diverse geography and ecology that ranges from coastal savannahs to tropical rain forests. With over 31 million people, Ghana is the second-most populous country in West Africa, after Nigeria. The capital and largest city is Accra; other major cities include Kumasi, Tamale, and Sekondi-Takoradi.

Politically, Gold Coast was part of Sierra Leone and was governed by the Governor of Sierra Leone (Opoku-Agyemang, 2009). The Gold Coast became part of British Crown Colony from 1821 to 1957 (Ahuma, 1972). During the colonial regime, trading activities were carried out at Dixcove, Accra, Anomabu, Cape Coast and Winneba. The economic activities were not properly regulated until it was entrusted in the hands of the Committee of Merchants after passing the West African Act. The purpose of the Act was to annex Gold Coast and the Colony of Sierra Leone as well as their dependencies. On 28th March, 1822 Sir Charles McCarthy arrived in Gold Coast, precisely, Cape Coast to take charge of

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