

**IN THE SECOND SESSION OF THE THIRD PARLIAMENT OF  
THE FOURTH REPUBLIC OF GHANA**

**SIXTEENTH REPORT OF THE APPOINTMENTS COMMITTEE  
ON THE APPOINTMENT OF A JUSTICE OF THE SUPREME  
COURT OF GHANA**

**1.0 INTRODUCTION**

Pursuant to Article 103 of the Constitution and Standing Order No. 172, the Appointments Committee has the mandate to consider persons nominated by the President for certain appointments, such as specified in this instance, under Article 144 (1) and (2) for prior approval of Parliament.

In accordance with Standing Order 172 (2) and Article 144 (2) of the Constitution, Mr. Speaker on 29<sup>th</sup> November 2002 informed the House about the nomination of two persons for appointment as Justices of the Supreme Court of Ghana by His Excellency, the President and referred the nomination to the Appointments Committee for consideration and report.

The Committee met on the 18<sup>th</sup> day of December 2002 to consider one of the nominees.

**2.0 NOMINEE CONSIDERED**

The nominee considered is Dr. Tawiah Modibo Ocran, a Research Professor of Law at the University of Akron School of Law in Ohio, USA and also a Fellow of the Intellectual Property Centre of the same University.

He was admitted to the Ghana Bar Association in 1970 and subsequently obtained a Ph. D. in Law and Development Studies from the University of Wisconsin Law School in 1971. He has since worked in various public service

capacities in Ghana and abroad. He has several scholarly publications and awards to his credit.

He is married and has five children.

### **3.0 PROCEDURE ADOPTED**

The nomination was publicised in the media to solicit public opinion in the form of written memoranda and/or oral submissions on the eligibility, integrity, moral character, etc. of the nominee.

On appearing before the Committee at its Public Hearing session, Dr. Ocran testified on oath and was interviewed on a variety of issues, including the Constitution, justice and politics.

### **4.0 OBSERVATIONS**

Dr. Tawiah Modibo Ocran demonstrated forthrightness in his responses to questions and comments by Members of the Committee. Among others, he expressed his views on the following:

#### **4.1 Justice Delivery Process**

He agreed to a suggestion that the current justice delivery process is too slow and needs a "jump" into the twenty-first century through computerization to assure the people that justice can be done with reasonable dispatch.

He advocated the use of the "Fast Track Courts" in the resolution of commercial disputes in order to encourage investments to the country. In addition, Dr. Ocran advocated the greater use of Alternative Dispute Resolution (ADR) mechanisms. He said that the mediation method of the ADR is now a globally preferred option for the settlement of many commercial disputes.

He is also of the opinion that the mandate of the Commission on Human Rights and Administrative Justice (CHRAJ) in terms dispute settlement has not been fully exploited to the benefit of the country.

#### **4.2 Conduct of Judges**

Dr. Ocran is of the view that the independence of individual judges in their exercise of judicial power depends on their personal integrity. He said judgment should be well reasoned out rather than based on primordial considerations in order not to make a fool of one self. He said judges should be made accountable for their actions (and inactions) through constant monitoring and the use of the disciplinary procedures stipulated in the Constitution and other applicable statutes.

#### **4.3 Amendment of the Constitution**

Dr. Ocran is of the opinion that the Constitution has a "gestation period" and so it should be allowed time to grow. This would enable us to be convinced of the real bottlenecks so as to make any further amendments meaningful and beneficial to all Ghanaians. He expressed the view that the Constitution should have provided for a ceiling on the number of Justices at the Supreme Court. However, this omission and the stress imposed on Members of Parliament by the provisions of Article 78 do not constitute enough grounds to merit an amendment of the Constitution.

#### **4.4 Ideological Persuasion**

Dr. Ocran did not hide his leftist inclination and believes that, that notwithstanding President Kufour nominated him in furtherance of his (the President's) public assurance of an all-inclusive governance of the country.

The Committee observed at the end of the hearing that the nominee is an excellent material with the requisite qualifications - competence, proven integrity and high moral character.

#### **5.0 RECOMMENDATION**

The Committee is satisfied with the eligibility of Dr. Tawiah Modibo Ocran and, by consensus, recommends that the House approves his nomination for appointment as a Justice of the Supreme Court of Ghana.

Respectfully submitted.



**HON. F. W. A. BLAY  
FIRST DEPUTY SPEAKER &  
CHAIRMAN OF THE COMMITTEE**



**FREDERICK K. NUTSUGAH  
CLERK TO THE COMMITTEE**

**20<sup>th</sup> December 2002**