

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

**TWENTY-FIRST REPORT OF THE APPOINTMENTS
COMMITTEE ON NOMINATION FOR APPOINTMENT AS
CHIEF JUSTICE OF THE REPUBLIC OF GHANA**

1.0 INTRODUCTION

1.1 Pursuant to Article 144 (1) of the Constitution, His Excellency the President communicated to Parliament his nomination of **Mr. Justice Kingsley Acquah** for appointment as the **Chief Justice of the Republic of Ghana**.

1.2 In accordance with Order 172 (2) of the Standing Orders, the Speaker referred the nomination to the Appointments Committee on 20th June, 2003 for consideration and report.

1.3 The Committee held a public hearing in accordance with Order 172 (4) on Wednesday, July 2, 2003 to consider the nominee and hereby reports as follows:

2.0 REFERENCE DOCUMENTS

- i. Constitution of the Republic of Ghana, 1992
- ii. Standing Orders of the Parliament of Ghana

3.0 PROCEDURE ADOPTED

In accordance with Order 172 (3), the nomination was published in the mass media to inform the general public and to invite their views in the form of written memoranda on the suitability, experience and capability of the nominee for the position.

On appearing before the Committee, the nominee testified on oath and answered questions on a wide range of issues in respect of the nomination.

4.0 OBSERVATIONS

4.1 Resume of Nominee

Mr. Justice Acquah is a Supreme Court Judge with thirty-one years standing at the Bar. He was born on **6th March 1942** at Sekondi and attended Adisadel College from 1957 to 1963.

He holds a B.A. (Hons) in Philosophy and LL.B. (Hons) from the University of Ghana. **He was called to the Bar in 1972** upon completion of the Ghana Law School in the same year. He was appointed to the Bench in 1989 as a High Court Judge and subsequently rose to the Supreme Court in 1995.

Mr. Justice Acquah currently chairs several working committees of the Judicial Service and the Judicial Council. He has delivered up to twenty-four (24) lectures/presentations on various issues on law and development in Ghana and abroad.

4.2 Constitutional Requirements

In considering the nominee, the Committee reviewed the relevant constitutional requirements for appointment to the Supreme Court, which are not different from those for appointment as Chief Justice, namely; Articles 128 (4) and 145 (2) (a).

In respect of Article 128 (4), the Committee noted that the nominee has more than fifteen (15) years standing as a lawyer and therefore qualified. As regards the character and integrity of the nominee, the Committee had no reason to doubt that the nominee meets the requirement of the Constitution.

In respect of Article 145 (2)(a), the Committee noted that although there had been some controversy about the nominee's date of birth, he satisfactorily explained the circumstances to the Committee. He told the Committee that based on a thorough investigation into the matter by the Judicial Service, 6th March 1942 has been accepted and adopted as his proper date of birth. Thus, the nominee is currently sixty-one (61) years and therefore fully satisfies the requirements of the Constitution.

4.3 Personal Qualities

The Committee noted that Justice Acquah's deep involvement in the administration of the Judicial Service (as mentioned in paragraph three of 4.1 above) has provided him with immense insights into the constraints facing Ghana's Judiciary. The nominee was convinced that

he is sufficiently prepared and capable of transforming the judiciary and modernise the administration of justice to give true meaning to the rule of law and good governance.

The nominee said he has very good inter-personal relations with all his colleagues on the Supreme Court (referred to as Privy Counsellors). He assured the Committee that he will always consult his colleagues on important matters and actively involve them in his administration, if his nomination is confirmed.

He expressed belief in humility and a leadership style that recognises the contribution of fellow human beings. In his words "as a past President of the International Planned Parenthood Association of Ghana, he is a passionate advocate of gender issues and personally believe in equal opportunities for all" irrespective of sex.

4.4 **Amendment of the Constitution**

Justice Acquah noted that the Constitution has adequate provisions on the Judiciary. He however regretted that Ghana's Constitution is too detailed as, for example, compared to the American Constitution and this according to him stifles judicial initiative at the Supreme Court although, he did not share the view that the Constitution should be amended now.

4.5 **Report on Perceived Corruption in the Judiciary**

The nominee told the Committee that to him, the constitutionality or otherwise of the recent parliamentary enquiry into perceived corruption in the judiciary is not an issue because corruption in the judiciary is a threat to the rule of law. He admitted that the image of the judiciary in the country at the moment is not the best and needs to be improved. He noted that the work of the parliamentary committee was to assist the Judiciary itself and intimated that the Judicial Council is reviewing the report for appropriate action.

He noted that corruption involve two parties; the receiver and the giver, and stressed the need to equally expose and punish those who offer bribes in order to influence judges. To this end, he said that the Judicial Council has put in place a Code of Ethics and Conduct for Judges as well as measures to tighten the supervision of judges to help redeem the sunken image of the Judiciary.

4.6 Award of cost against applicants who seek Interpretation of the Constitution

The nominee told the Committee that he firmly believes in easy access to the Supreme Court irrespective of ones financial standing. He was of the opinion that the practice of awarding costs against applicants seeking interpretation of various constitutional provisions at the Supreme Court would be discouraged during his administration. In the words of Mr. Justice Acquah, "interpretation is necessary for the enforcement and smooth operation of the Constitution".

4.7 Accountability of Judges

The nominee noted that judges cannot be held or made accountable for decisions taken in court or be removed from office except on the conditions stated in Article 151(1) of the 1992 Constitution. He suggested that to make judges more accountable, the Judicial Service would publish annual reports, which will contain statistics on all judges/judicial officers in the various courts across the country. He stressed that such reports will expose incompetence and thereby serve as warning to all officials of the judiciary. He expressed the hope that this and other measures could make judges more accountable.

4.8 Criminal Justice Administration

Justice Acquah told the Committee that one area where Parliament could be of assistance to the Judiciary would be to review the country's criminal justice administration. He argued that contrary to the current practice, pre-trial admission of guilt by accused persons should be sufficient grounds for the prosecution to proceed to ensure speedy delivery of justice in criminal cases. He stressed the need to review the indictment process, which in his opinion delays justice administration unduly.

Justice Acquah was of the view that the position of Attorney General should be de-coupled from that of Minister of Justice to ensure justice delivery. To him, public prosecutions can be competently handled by a very seasoned and experienced lawyer to enable the Minister of Justice concentrate on other matters of national importance.

The nominee proposed the establishment of Criminal Justice Council to advise government and to superintend over the administration of criminal justice in the country.

5.0 CONCLUSION

The Committee has carefully considered the eligibility of Mr. Justice George Kingsley Acquah for the appointment and noted that the nominee was forthright in his answers to questions put to him. He was ready to disagree with others on issues and did not shy away from controversial matters. During the one and half hour hearing, the nominee convinced the Committee that he is knowledgeable, very firm and fair and on top of constraints of facing Ghana's Judiciary.

Based on these findings therefore, the Committee is convinced that **Mr. Justice George Kingsley Acquah** is a competent and excellent material for the position of Chief Justice of the Republic of Ghana and therefore recommends him, by consensus, for approval by this Honourable House.

Respectfully submitted.



**HON. F. W. A. BLAY
FIRST DEPUTY SPEAKER
& CHAIRMAN, APPOINTMENTS
COMMITTEE**



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

3rd July 2003