

IN THE SECOND MEETING OF THE THIRD SESSION OF THE
EIGHTH PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA

THIRTY-FIRST REPORT OF THE
APPOINTMENTS COMMITTEE

ON



HIS EXCELLENCY THE PRESIDENT'S
NOMINATION OF JUSTICE GERTRUDE ARABA ESAABA
SACKEY TORKORNOO FOR APPOINTMENT

AS

CHIEF JUSTICE OF THE REPUBLIC OF GHANA



JUNE, 2023

THIRTY-FIRST REPORT OF THE APPOINTMENTS COMMITTEE ON HIS EXCELLENCY THE PRESIDENT'S NOMINATION OF JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO FOR APPOINTMENT AS CHIEF JUSTICE OF THE REPUBLIC OF GHANA

1.0 INTRODUCTION

On Tuesday 2nd May, 2023, H.E. the President, Nana Addo Dankwa Akufo-Addo, in accordance with Article 144(1) of the 1992 Constitution communicated to Parliament, the nomination of Justice Gertrude Araba Esaaba Sackey Torkornoo for appointment as Chief Justice of the Republic of Ghana.

The Rt Hon Speaker in accordance with Standing Order 172 referred the nomination to the Appointments Committee for consideration and report.

2.0 REFERENCE DOCUMENTS

The Committee referred to the underlisted documents during the consideration of the Nominee:

- i. The 1992 Constitution of the Republic of Ghana;
- ii. The Standing Orders of Parliament;
- iii. The Curriculum Vitae (CV) of the nominee and

3.0 CONSIDERATION OF THE REFERRAL

Pursuant to Order 172(3) of Parliament, the name of the nominee was published in newspapers for the attention of the public. The publication requested for Memoranda from the public in respect of the nominee.

The Committee subsequently sought and obtained Confidential Reports in respect of the nominee from the Ghana Police Service and the National

Intelligence Bureau (NIB). The Committee also requested and obtained Tax Status Reports on the nominee from the Ghana Revenue Authority (GRA).

The Committee thereafter, held a Public Hearing on 26th May, 2023 to consider the nomination. The nominee subscribed to the Witness Oath and proceeded to answer questions posed by Honourable Members. The nominee was asked questions relating to her Curriculum Vitae, eligibility, competence, issues of national concern and those pertaining to the office to which she has been nominated.

4.0 JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO

CHIEF JUSTICE DESIGNATE

4.1 BACKGROUND

Justice Gertrude Araba Esaaba Sackey Torkornoo was born on September 11, 1962, in Cape Coast. She obtained her Ordinary Level Certificate from Wesley Girls' High School in 1978 and her Advanced Level Certificate from Achimota School in 1980. The nominee then proceeded to the University of Ghana to read Bachelor of Arts in Law and Sociology in 1984. She continued to the Ghana School of Law, where she obtained her Professional Certificate in Law in 1986.

The nominee obtained a Post-Graduate Diploma in International Law and Organizations for Development from the Institute of Social Studies at Erasmus University in the Netherlands in 2001. In 2011, she graduated from Golden Gate University in San Francisco, United States of America (USA) with an LLM in Intellectual Property Law.

Justice Gertrude Araba Esaaba Sackey Torkornoo worked as a volunteer at the International Federation of Women Lawyers (FIDA), Legal Aid Service and did an internship with Nabarro Nathanson in London.

The nominee became an Associate of Fugar & Co., a law firm in Accra, from 1987 to 1994 and was subsequently elevated to the position of director from 1994 to 1996.

In January 1997, she co-founded Sozo Law Consult, where she worked as Managing Partner until 14th May, 2004, when she was appointed Justice of the High Court of Ghana with responsibility for courts that assisted in mediation and negotiation in pre-trial settlement conferences. The nominee was appointed Justice of the Court of Appeal, a position she held from 2012 to 2019 until her appointment to the Apex Court of the Land.

Regarding leadership positions, the nominee has been the Chairperson of the E-Justice Oversight and Implementation Committee since August 2021. She has also been a member of the Law Reform Commission since 2016. She has been the supervising Judge of the Commercial Division of the High Courts since 2013. The nominee also served as a member and vice chairperson of the Governing Board of the Judicial Training Institute. She has been a member of the Internship and Clerkship Committee of the Judiciary since 2012 as well as member and chairperson of the E-Justice Committee since 2010.

Justice Gertrude Araba Esaaba Sackey Torkornoo has been a member and chairperson of the Publications and Editorial Committee of the Association of Magistrates and Judges of Ghana since 2006. As one of the pioneer judges of judicial reforms, the nominee collaborated with the European

Union (EU), the United States Agency for International Development (USAID), the Department for International Development (DFID), and other African countries to ensure effective justice delivery.

Justice Gertrude Araba Esaaba Sackey Torkornoo published the following articles: "Considerations (Non-Considerations) of International Law in Domestic Decisions of the Superior Courts in Ghana in 2014", "International Human Rights: Human Rights, Indigenous Rights, Minority Rights, Looking at the UN Declaration on the Rights of Indigenous Peoples through the Lens of Tribal Groups in Ghana" in 2011. She also published an article on "Peaceful Settlement of Disputes Between Nations: Nuremburg, Congo, and Libya: Has Might Remained Right or Right has Become Might: A Look at the International Commitment to Peaceful Resolution of Conflicts" in 2011.

The nominee presented a research paper at the Fulbright Symposium on International Law Developments at Golden Gate University in San Francisco in 2011 dubbed: Fitting Square Pegs in Round Holes. "The Vexed Question of Harmonizing International Legal Regulation of Traditional Cultural Expressions in Intellectual Property Law"

She also presented a paper at a conference dubbed, Reviewing the Scope of Intellectual Property Laws in Ghana: "A Review of Remedies in Intellectual Property Cases under Civil Procedure Rules 2004 C.I. 47," in June, 2008. She also delivered a paper at a conference christened "Administration of Commercial Justice in Africa: The Case of Prioritization of Commercial Justice Reforms in Africa: Lessons from Ghana" in Tanzania in 2007.

The nominee has authored a number of books, including "**Legislative Watch: A Research Tool on the Laws Amended, Reviewed, and Newly Passed in Ghana**" and "**Business in Ghana: A Handbook on Laws and Regulations.**"

Justice Gertrude Araba Esaaba Sackey Torkornoo has participated in numerous workshops and conferences, including "Navigating Presidential Petitions: The Law and Remedies in Mombasa, Kenya, in 2022", "Ghana's Strategic Plan in Combating Pharmaceutical Crimes in the US Embassy, Accra, in 2018," and Managing Electoral Petitions: Judicial Training Institute, Ghana, in 2016," among others.

Awards received by the nominee include the Global Essay Competition on International Law from Nabarro Nathanson, one of the top twenty law firms in London, United Kingdom (UK), in 1989. She was part of the seven-member panel that heard the 2020 Election Petition by former President John Dramani Mahama against the Electoral Commission of Ghana and His Excellency the President, Nana Addo Danquah Akufo-Addo.

The nominee's hobbies include writing, watching movies and going on evangelism.

4.2 RESPONSES TO QUESTIONS

4.3 PROTEST BY STAFF OF THE JUDICIAL SERVICE

The nominee stated that the problems facing the Judiciary cannot be attributed to the lack of effective leadership, since the Judiciary just as any human institution is not immune to disagreements. Her Ladyship informed

the Committee that the protest by staff of the Judicial Service was in respect of the review of their salaries.

According to her, salary adjustments of staff of the Judicial Service are made biennially and the process is ongoing. She indicated that the process appears convoluted because it involves the Office of the President, the Ministry of Finance and the Judicial Service. She also informed the Committee that she was in a meeting with the aggrieved staff members and steps have been taken to address their grievances. Her Ladyship assured the Committee that the welfare of staff of the Judicial Service would be at the heart of her stewardship.

4.4 INDEPENDENCE OF THE JUDICIARY

When asked to comment on the perception that some judges do the bidding of the appointing authority rather than upholding the independence of the Judiciary, the nominee stated that the perception cannot be true because the power to appoint is exercised by the President in accordance with the provisions of the Constitution and has nothing to do with the judicial process.

The nominee explained that the judicial process mandates every judge to arrive at a decision based on the law, therefore, judges are at liberty to exercise independent judicial power without any interference from the appointing authority. The nominee, however, advocated for consistent engagements of the Judiciary with the general public to engender understanding of its operations.

4.5 CONTEMPT OF COURT

The nominee was asked if she agrees with the opinion expressed by many concerned Ghanaians that in recent times, the Supreme Court's exercise

of the power of contempt is on the increase and constitutes a fetter on the rights of citizens to hold the Court accountable. The nominee indicated that contempt has always been a part of the court system and it is meant to ensure that the courts are not denigrated. She said the courts use contempt as a tool to protect the integrity of the Judiciary and preserve the administration of justice. She explained that, the Supreme Court speaks on behalf of over four hundred (400) lower courts and has a responsibility to preserve the peace, stability, dignity and sanity of the justice delivery system. She emphasised that it is imperative for the Supreme Court as the ultimate voice of the lower courts, to be alert and alive to contemptuous issues and ensure that the justice system is not denigrated beyond boundaries.

In relation to the assertion that contempt summons is on the rise, the nominee indicated that over the years the tool has been sparingly used. She added that every case of contempt is fact specific and particular sets of legal principles are used depending on the circumstances. She indicated that the exercise of the Supreme Court's power of contempt does not amount to a fetter on the rights of persons to criticise the decisions of the Supreme Court, provided they are made constructively and fall within the bounds permitted by law. The nominee however promised to consider a law that would determine the remits of contempt of court when approved as the Chief Justice.

4.6 DELAYS IN APPEAL PROCESS

The nominee when asked to comment on the effect of reforms being implemented by the Judiciary to speed up the appeals process, referred to the various levels that an appeal process goes through and the players involved.

She acknowledged the frustrations that come with such delays and intimated that any reform to reverse the trend ought to be guided by fundamental principles of law including the rule of natural justice. In her view, the rights of parties to notice and the right to be heard are fundamental to the underlying considerations aimed at reducing the delays encountered by the parties in the appeals process. She indicated that it is incumbent on all stakeholders to be mindful of the dictates of the law in any proposed reforms.

The nominee bemoaned the current situation where the process depends largely on the parties involved in the case and pledged to implement a system that would compel all the parties to act. This in her opinion, would prevent the situation where the Judiciary is made to carry the brunt of the criticisms in respect of the delays.

To achieve her objective, she promised to develop practice directions, practice manuals, standard operating manuals, and practices which would guide the work of Registrars and other court staff.

4.7 DELAYS IN JUSTICE DELIVERY

Her Ladyship stated that every process in the justice delivery cycle is guided by law and natural justice principles. Procedures would have to be adhered to, and every party must be heard. According to her, non-adherence to such rules and principles are grounds for an appeal which makes justice delivery even more time consuming. The way forward is to embrace technology and make justice delivery less costly and less time consuming.

issues are and what to do about them. She said, parties sometimes initiate processes and later abandon them. The duty of the court would not be to resurrect such cases but to strike them out. She added that case management must be encouraged to facilitate an end to litigation.

4.8 LEGACY OF THE NOMINEE AS CHIEF JUSTICE

Responding to the question on the legacy she wants to leave after her tenure as Chief Justice, the nominee indicated that she embodies calmness, fairness, religiosity, intelligence and progression, and wants to leave that as a legacy to the Judicial Service.

She further said that she would want to be remembered for efficiency, incorporation of technology, court intervention strategies and competencies to a level that justice delivery would be synonymous with excellence.

According to her, the current Strategic Plan of the Judicial Service contains interventions that require the incorporation of technology into the justice delivery system. She said she would introduce additional strategic interventions that would ensure strict adherence and extreme efficiency in the delivery of justice. She would also put in place measures that would encourage publications in the legal sector as well as increased capacity of stakeholders in our justice delivery system.

4.9 DELAYS IN THE RELEASE OF REASONED JUDGMENTS

The nominee's attention was drawn to the possible adverse effects on parties in the political space when the issuance of reasoned judgements

4.9 DELAYS IN THE RELEASE OF REASONED JUDGMENTS

The nominee's attention was drawn to the possible adverse effects on parties in the political space when the issuance of reasoned judgements by the Supreme Court are delayed. In response, the nominee acknowledged the possible consequences of such delays but explained that, at the end of every proceeding, judges sit in conference to evaluate the legal position of every judge and come to a conclusion on the possible judgement of the case. A member of the panel is then nominated to write the reasoned judgement. In her opinion, these processes are undertaken to ensure that the ratio is properly adduced to prevent speculations after the release of the reasoned judgment.

The nominee, however, shared in the concerns of the Committee that where the matter relates to politically exposed persons, the Supreme Court may have to work assiduously on the reasoned judgement.

4.10 EVALUATION OF THE NOMINEE

Reacting to the call by some Members of the Committee to defer the evaluation of the nominee until the release of the reasoned judgment in the case of **Michael Ankomah-Nimfah v. James Gyakye Quayson and others**, Her Ladyship beseeched the Committee to assess her holistically and not just on that particular case. According to the nominee, she should be assessed by the hundreds of judgements she has delivered since her appointment to the Bench. She stated that judgements of the Supreme Court cannot be solely attributed to just one judge since the empaneled judges sit in conclave after the conclusion of a case to evaluate their legal positions and arrive at a judgement.

The nominee urged all to exercise restraint and wait for the reasoned judgement before drawing conclusions. She said the reasoned judgement is a work in progress.

4.11 THE E-JUSTICE SYSTEM

Justice Torkornoo informed the Committee that she is committed to the E-Justice System. She reiterated that as the Chairperson of the E-Justice and Library Committee, she was responsible for the development of an electronic research resource for Judges, which culminated in the introduction of the e-filing, e-listing, e-hearing, e-case management and e-administration of court processes. In her opinion, these processes have helped to decongest our courts and make justice delivery less cumbersome.

Her Ladyship however admitted to the drawbacks in the E-Justice programme due to technological challenges. According to her the E-Justice programme is contingent on technology as well as the efficiency of the national digital system. She therefore emphasised the need to enhance the technical infrastructure in support of the E-Justice System.

She said the successful implementation of the programme is also dependent on essentials like the internet and smart phones. She said it would be impossible to order E-Service when an individual lacks basics like a smart phone and the ability to use one. She added that to ensure the security of the system, safe guards must be employed for verification, validation and authentication.

In her opinion, Change Management is key to the successful execution of the E-Justice System. She suggested that stakeholders must be trained in

the use of smart phones and other electronic gadgets to ensure that no one is disadvantaged in the use of the E-Justice System.

On measures being employed to encourage the use of technology in the justice delivery system for students in the Ghana School of Law, the nominee intimated that a programme has been designed to incorporate 'e-thinking' into the curricula of the Ghana School of Law.

4.12 LEGAL PHILOSOPHY OF THE NOMINEE

The nominee stated that she is a textualist because she is interested in the text and the context of a case. She said, when faced with any interpretative issue, she would consider the intention of the framers of the Constitution, read the Constitution as a whole and do thorough analysis of the document before arriving at a conclusion.

4.13 PAYMENT OF EMOLUMENTS TO JUDGES

Asked whether she subscribes to the concerns raised by the public concerning the payment of emoluments to Article 71 office holders which includes judges, the nominee said she subscribes to the explanations given by the Association of Judges and Magistrates on the matter. She explained that judges do not receive *ex-gratia* because they continue in office until retirement as put out by the Association. What is perceived as payment of *ex-gratia* are the balances of their salaries payable.

In respect of the amendment to Article 71(1)(b), the nominee stated that the provision is entrenched and can only be amended through the elaborate procedures stipulated in the Constitution.

4.14 ENTRY INTO THE GHANA SCHOOL OF LAW AND GRADUATION

Justice Torkornoo said that most students in the Law School are workers and that affects their ability to engage with the law.

According to her, despite the challenges faced by students of the Ghana School of Law, more than 800 of them were called to the Bar in 2022. Another group of almost 200 students were also called to the Bar in May 2023.

4.15 PERCEPTION OF BIAS AND CORRUPTION IN THE JUDICIARY

In responding to the question of bias on the part of the Supreme Court, the nominee emphasised that a unanimous verdict by the Court shows that the law is totally on the side of the Party who won. She reiterated that the unanimous decisions by the Court underscore the fidelity of judges to their Judicial Oath because judges are hesitant to act contrary to positions other than the law.

In relation to perceived corruption within the Judiciary, the nominee indicated that experience has shown that out of about 7,000 employees of the Judiciary only 400 are judges. She intimated that the perception of corruption in the Judiciary abounds because there is the tendency to attribute the corrupt act of any employee of the Judicial Service to judges. She explained further that for every ten (10) reported cases of corruption, nine (9) of the criminal proceeds are pocketed by the perpetrators at the blind side of the judges in whose names the monies are usually received. The nominee, however, assured the Committee of interventions she would institute to expose these 'judicial predators'.

She posited that sometimes when a party loses a case due to the failure to follow rules of procedure and inadequate evidence, the loss is blamed on

4.16 THE TOP FIVE QUALITIES OF A CHIEF JUSTICE

When asked to state five qualities of a chief justice, the nominee indicated that a chief justice must have a deep knowledge of the law, be progressive in dealing with resources allocated, must maintain emotional intelligence, must have a very good sense of responsibility to the entire country, and be able to network with the communities.

4.17 DELETION OF RECORDS ON MR JAMES GYAKYE QUAYSON

The nominee when asked to explain the directive by the Supreme Court to Parliament to expunge the name and any other records relating to Mr James Gyakye Quayson, said she was unable to give her opinion on what the Attorney-General said in his letter to the Speaker on the issue and added that the reasoned judgement is yet to be released. She also said that any decision of the Supreme Court is a decision of the Court and advised that anyone affected by a decision of the Supreme Court could seek interpretation from the Court.

4.18 CAREER MAGISTRATE PROGRAMME

The nominee informed the Committee that the Career Magistrate programme was instituted by the Judicial Council to solve an existing problem. The programme sought to enroll non-lawyers unto the Bench as career magistrates.

According to the nominee, there is no line of progression for career magistrates, so a number of them have opted to read law to enhance their progression in the legal profession. She indicated that she will seek the

advice of the Judicial Council to review the programme when approved by Parliament.

4.19 CONTINUOUS LEGAL EDUCATION

Asked if it is important for lawyers to be assessed annually, the nominee indicated that continuous legal education is critical for capacity building of practitioners.

According to her, it is important to draw the attention of practicing lawyers to new developments in the law. She indicated that the decision by the Judicial Council was to encourage practicing lawyers to keep abreast of current trends in the law. She emphasised that there would be no examination with regards to the training.

4.20 PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

Her Ladyship explained that the Alternative Dispute Resolution (ADR) system allows for pre-trial settlements that offer opportunities to the parties to communicate and find solutions to their grievances. ADR is however expensive because the mediators have to be paid and the litigants would have to bear that cost.

She admonished that cases resolved through ADR cannot be a subject of appeal since the decisions are final. In effect, ADR helps to decongest the courts. She assured the Committee of her commitment to intensify the application of ADR in resolving legal issues.

4.21 DEMEANOUR OF NOMINEE ON THE BENCH

In response to a question on the perception of her demeanour on the Bench, the nominee posited that, her demeanour in court which some lawyers describe as very strict and unapproachable may not be wholly true. She explained that perhaps her posture is usually misinterpreted because contrary to the assertion, she is shy and keeps to herself most of the time. According to the nominee, her position as Chairperson of the E-Justice programme requires her to constantly interact with staff and lawyers and so far, she has not received any complaint from any of them. She further explained that efficiency is key to whatever she does and to achieve her targets, she ensures that the right things are done timeously. It is her effort at achieving her targets that is misconstrued as being strict and unapproachable.

4.22 CUSTODIAL SENTENCING

Asked of her position on custodial sentencing, the nominee indicated that community sentencing is encouraged if it is permissible under the law and would achieve reformation. She added that penalties are reformatory and so if fines or community service can achieve same, then there is no need for custodial sentence.

4.23 CONFLICT BETWEEN RELIGION AND THE NOMINEE'S WORK AS A JUDGE

When asked whether she is not conflicted in her work as a judge and an evangelist, the nominee responded in the negative. According to her when there is conflict between the two, the law would prevail.

She also indicated that she evangelises through her conversations and preaching and that does not affect her work as a judge.

4.24 DEMOLITION OF JUDGES BUNGALOWS

In response to the question of how the demolition of the judges' bungalows to make way for the construction of the National Cathedral has affected the Judiciary, the nominee assured the Committee that all Judges who required accommodation have been housed. She, however, could not provide any information relating to the total cost of relocating the judges after the demolition.

4.25 CYBERCRIME

On the question of how prepared the country is in fighting cybercrime, the nominee said that the menace of cybercrime is being managed well in spite of the challenges. She explained that ensuring the integrity of documents and records are financially draining and incredibly slow. She, however, assured that the process is consistently progressing amidst the challenges.

4.26 SOCIAL DEVIANCE

When asked of the existence of a law that regulates the use of drugs like alcohol and cannabis by minors, the nominee informed the Committee that there is a robust system for the management and administration of cases involving juveniles. She called on society to commit to curbing the menace and ensure that minors are not sent to purchase liquor and other illicit drugs.

4.27 APPOINTMENTS TO THE SUPREME COURT

On the issue of the appointment of judges to the Supreme Court by the President, the nominee indicated that by the provisions in Article 144 (2),

the President acts on the advice of the Judicial Council to make the appointments. She indicated that all members of the Judicial Council participate in the selection of a nominee for appointment to the Supreme Court. She promised to use her position when approved, to help address issues of unfairness in appointment and promotion of judges. The nominee also suggested that to enrich the composition of the Supreme Court, regional representation could be considered.

4.28 STATUS OF THE LEGAL AID SCHEME

The nominee informed the Committee that the Legal Aid Scheme is functional and provides support services to those in need. She indicated that the Legal Aid Scheme is challenged in terms of accommodation and other resources. She said even though the Judiciary has a duty to protect the most vulnerable in the society, there have been instances where people have been denied legal support due to the criteria used.

She called for an increase in the allocation of resources to the Scheme to ensure easy access to their services to the most vulnerable. She again appealed to lawyers to provide pro bono services to the vulnerable in the society.

4.29 USER-FRIENDLY COURTS

In responding to the question of making the courts accessible to persons with disability, the nominee informed the Committee that court rooms are to be accessible to all who seek justice. She posited that disabled persons who are unable to access a court because of its physical structure or faulty elevator should draw the attention of the Registrar to the situation. She said where there are such difficulties, the case would be re-assigned to another

5

court that is user-friendly to the petitioner's peculiar condition. She explained that user-friendly is not merely related to high rise buildings because a court may be a single-unit building, but its threshold would not allow for easy access. The nominee urged all Institutions to comply with the Persons with Disability Act, 2006 (Act 715) that enjoins all public buildings to be disability friendly.

Commenting on the state of the law complex, the nominee further stated that because the court building is close to the sea, it suffers from corrosion due to the sea breeze. According to her, the corrosion has caused some equipment within the structure to deteriorate. She assured the Committee that the court building would receive regular renovation during her tenure, if her nomination is approved by Parliament.

4.30 ENVIRONMENTAL DEGRADATION

On the issue of environmental degradation, the nominee stated that a harmed environment is a threat to all citizens. She held that a degraded environment impacts negatively on businesses as investors decline to invest in an environment that is not attractive. She called for a concerted and relentless effort at preserving the environment. In her opinion, the courts can do nothing if such issues of environmental degradation are not brought to its attention.

Secondly, if issues brought to the courts are not pursued to their logical conclusion, the courts cannot compel adjudication on them.

4.31 BIRTH CERTIFICATE AND PROOF OF NATIONALITY

According to the nominee, citizenship/nationality is an operation of law. In her opinion, it is the law that confers citizenship. She explained that one

does not automatically become a Ghanaian because one was born in Ghana but through lineage.

In her view, a birth certificate is an originating document that helps in the determination of a person`s citizenship, but does not bestow citizenship. She explained further that a child born in Ghana by non-Ghanaian parents would be issued a birth certificate in Ghana but cannot be considered a Ghanaian.

She said that passports can be used to determine citizenship but one has to give proof of lineage as a requirement for issuance of a passport.

4.32 ISSUE OF LGBTQ+

When the nominee was asked of her opinion on the issue of LGBTQ+, she stated that she would err on the side of the law.

4.33 TAXATION ON SANITARY TOWELS

Her Ladyship mentioned that she was in support of the imposition of tax on sanitary products if the beneficiaries were gainfully employed, however, girls in school should be exempted.

4.34 VIEW ON CAPITAL PUNISHMENT

The nominee informed the Committee that the death penalty is too final and that the Legislature must consider reviewing it. According to the nominee, she is personally not in favour of the death penalty however it is a creation of law.

4.35 COMMENCEMENT OF ELECTION PETITION

When asked to comment on the Supreme Court's decision in the Santrokofi, Akpafu, Lolobi and Likpe case involving Hon Peter Amewu, the nominee indicated that, the case was quashed because it was commenced as a human rights action. She added that, within that action, questions regarding the validity of an election were raised. She indicated that the Court quashed the questions regarding the validity of elections because they were distinct from the initial issues raised on human rights.

According to the nominee the validity of an election must be questioned in a petition but not a writ. In her opinion, the mode of commencement of the action as well as the jurisdiction of the High Court were in conflict. In her view, that informed the decision of the Court to sever the invalid parts from the valid parts.

With reference to the case of Michael Yeboah v. J.H. Mensah, the nominee said that it also started with a writ and was out of time. According to her, due to all the procedural difficulties, the Supreme Court severed and quashed the issues on validity of elections because the distinct features of the case were within the framework of fundamental human rights.

4.36 CLOSURE OF COURTS OF APPEAL IN CERTAIN REGIONS

The nominee explained that the decision to close the Courts of Appeal in certain regions was purely administrative. According to her, it was no longer cost effective to continue with the operations of such courts because most often, the cases listed before those courts were just a few.

Her Ladyship, however, promised to consider the use of virtual court systems to hear appeal cases from those regions.

4.37 THE INVOLVEMENT OF THE JUDICIARY IN THE LAW-MAKING PROCESS

When the nominee's opinion was sought on whether it is right for the Legislature to seek the opinion of the Judiciary in the law-making process, the nominee explained that, the two arms of government have distinct roles to play in the governance structure of the country, and it would be out of place for the Judiciary to interfere in the workings of Parliament.

She however posited that if the law does not conform to the provisions of the Constitution, the Supreme Court has the power of judicial review and can direct Parliament to amend the law.

4.38 ADMONITION TO YOUNG GIRLS AND WOMEN

Her Ladyship encouraged young girls and women to build their self-confidence and work on areas of their life that create self-doubt. She also encouraged women/girls to consider themselves as persons of value who can compete effectively with boys or men.

4.39 DECLARATION OF ASSETS

When the nominee was questioned on whether she has complied with the law on assets declarations, she stated that she has declared her assets and that her last declaration was in 2022 but has not updated it because she has not acquired any new properties.

5.0 RECOMMENDATION

The Committee recommends to the House by **consensus** the approval of the nomination of **JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO** for appointment as Chief Justice of the Republic of Ghana.

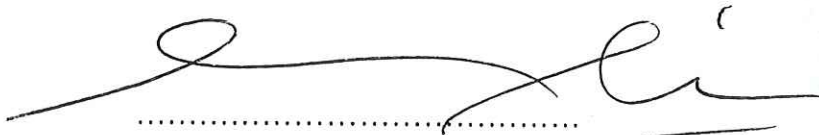
6.0 CONCLUSION AND GENERAL RECOMMENDATION

Pursuant to the provisions in Article 144(1) of the 1992 Constitution and Standing Order 172 (2), the Committee considered H.E. the President's nomination of **JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO**, as Chief Justice of the Republic of Ghana.

The nominee showed character, competence and dexterity in the knowledge of the law. She pledged to interpret the law without fear or favour if approved as the Chief Justice of the Republic of Ghana.

The Committee therefore recommends to the House to adopt its report and by **consensus** approve **JUSTICE GERTRUDE ARABA ESAABA SACKY TORKORNOO** as Chief Justice of the Republic of Ghana.

Respectfully submitted.



HON. JOSEPH OSEI-OWUSU
(FIRST DEPUTY SPEAKER AND CHAIRMAN OF THE APPOINTMENTS COMMITTEE)



ANITA QUARTEY-PAPAFIO
(HEAD, GOVERNANCE CLUSTER OF COMMITTEES AND CLERK TO THE COMMITTEE)



