

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

**ELEVENTH REPORT OF THE APPOINTMENTS COMMITTEE
ON THE APPOINTMENT OF THE CHIEF JUSTICE OF GHANA**

1.0 INTRODUCTION

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

In accordance with Standing Orders 156 and 172 and Article 144 (1) of the Constitution, Mr. Speaker on Monday, 16th July 2001 referred His Excellency the President's nomination for the Office of Chief Justice of Ghana to the Appointments Committee for consideration and report.

The Committee met on Wednesday, 7th November 2001 after the House had returned from a long recess, to consider the nominee.

2.0 NOMINEE CONSIDERED

Mr. Justice Edward Kwame Wiredu - Chief Justice of Ghana -
designate

3.0 **PROCEDURE ADOPTED**

The media was used to solicit public opinion in the form of written memoranda and or oral submissions on the eligibility, competence, experience or otherwise of the nominee.

The nominee, on appearing before the Committee at its Public Hearing Session testified on oath and was interviewed extensively on a wide range of issues.

The nominee submitted his Curriculum Vitae to the Committee but owing to the voluminous nature of the document copies could not be attached to the Report. Few copies are however available at the Committee Secretariat for the perusal of interested Hon. Members.

4.0 **OBSERVATIONS**

The Committee received a number of petitions mainly through the Chairman, and the Ranking Member in respect of the nominee. It is important also to say in passing that while the Committee did its work, it took note of the fact that there was some matter pending in the Courts challenging the eligibility of the nominee as a Justice of the Supreme Court and the Chief Justice of Ghana.

Firstly, the Committee did not at all touch on nor consider the matter in the Courts relating to the nominee for obvious reasons.

Some Committee Members however, took serious notice of an article in 'The Independent' newspaper which discussed and summed up the

issues raised in the petitions and written objections against the President's nomination for prior approval by Parliament of Mr. Justice Edward Kwame Wiredu as Chief Justice of Ghana.

The Committee took time and the opportunity to draw the attention of the nominee to those issues raised in the newspaper article and asked the nominee for his reaction.

Among the issues probably the most pertinent was over the nominee's dismissal from the Bench in June 1986 and his subsequent re-instatement in February 1988 by the then Government.

His Lordship Justice Kwame Wiredu explained to the Committee the circumstances of his dismissal, his subsequent petition against the dismissal through the then Chief Justice, and the reversal of that decision and his re-instatement as a Justice of the Supreme Court. The Committee was fully satisfied with his explanation.

There was also in the newspaper article under reference, an allegation of the nominee's at one time untoward manipulation of a case then pending in the Supreme Court over which he was supposed to have presided.

The substance of the allegation was that he the nominee was biased and personally interested in that particular case which case he was obliged in an embarrassing circumstance to adjourn sine die.

The nominee explained the circumstances under which he on his own without any compulsion declined to preside over that particular case

because a party to it had unjustifiably accused him of being biased and interested in the matter. As he put it, "it was my style to decline jurisdiction once a party objected to my presiding, hearing or determining any matter pending before me as a judge". Mr. Justice Wiredu stressed that the objection raised against him in that case was without any basis whatsoever. The Committee was convinced of his explanation.

Regarding the Auditor-General's Year 2000 Report to Parliament on the Judicial Service and a public perception of corruption in the judiciary as an institution the nominee, Ag. Chief Justice outlined to the Committee bits of various policies and strategies he is evolving or adopting to combat and eradicate corruption and waste in the system - towards improving the image of the judiciary.

In response to a question regarding delays in the administration of justice in the courts, the nominee assured the Committee of his preparedness when approved of, to work hard towards minimising delays in the trial of cases pending before the courts by expanding and improving among others, the Fast Track System in the Courts.

Justice Wiredu convinced the Committee that he is his own man, with strong religious convictions, stubborn, ready and prepared to do justice to all, even if it meant the sky falling on him.

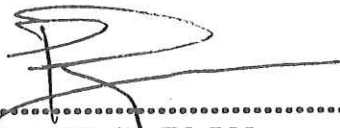
The Committee is convinced that Mr. Justice E.K. Wiredu, having been a Justice of the superior court for 33 years, is sober, knowledgeable and experienced enough to hold the office of Chief Justice of Ghana.

The Committee at the end of the Public Hearing is convinced that the nominee is an excellent material and has the requisite qualification and capability to effectively and efficiently discharge his duties as Chief Justice if given the opportunity.

5.0 **RECOMMENDATION AND CONCLUSION**

The Committee, impressed by the performance of Mr. Justice E.K. Wiredu, unanimously recommends that the House approves his nomination as Chief Justice of Ghana.

Respectfully submitted.



.....
HON. F.W.A. BLAY
1ST DEPUTY SPEAKER &
CHAIRMAN OF THE COMMITTEE



.....
PEACE A. FIAWOYIFE (MS.)
CLERK TO THE COMMITTEE