



**SOCIALIST MOVEMENT OF GHANA (SMG)**

**ACCRA COLLECTIVE**

July 9, 2024

### **SANITISING THE JUDICIARY**

The Accra Collective of the Socialist movement of Ghana has taken notice of the Chief Justice's letter unilaterally requesting the President to appoint an additional five (5) justices to the Supreme Court of Ghana. The nominees are Their Lordships Edward Amoako Asante and Eric Kyei Baffour, and Their Ladyships Angelina Mensah Homiah, Cyra Pamela Koranteng, and Afua Asare Botwe. The Chief Justice claimed that "their work has been distinguished by outstanding service, courage, and competence," and specifically noted that "His Lordship Edward Amoako Asante has provided excellent leadership as President of the ECOWAS Court and will undoubtedly be an invaluable asset to the Supreme Court."

In as much as we admit that the 1992 constitution does not set a clear upper limit for the appointment of judges to the Supreme Court of Ghana, we believe that at this crucial point in our democracy, the focus of our courts, especially our apex court, must be on judicial efficiency and resource utilization. Considering the already high number of Supreme Court judges, one must wonder why there is a need to appoint an additional five (5) judges. This decision will come at a cost to the Ghanaian taxpayer, with no clear evidence that these appointments will improve judicial efficiency.

The issue of proper procedure and adherence to the constitution must also to be noted, Article 144(2) states that "The other Supreme Court Justices shall be appointed by the president acting on the advice of the Judicial Council, in consultation with the Council of State and with the approval of Parliament".

The clause ensures the appointment of Supreme Court Justices to be unbiased, unprejudiced, non-partisan, and impartial by ensuring collaboration with multiple stakeholders in other to protect and preserve the independence and integrity of the Judiciary. The Judicial Council in Article 144(2) encompasses others such as representative of the Ghana Bar Association, Attorney General as well as other persons with non-legal backgrounds. The principle of collaborative decision-making process for transparency and impartiality is disrupted when the Chief Justice alone proposes names of judges to be appointed to the Supreme Court. This undermines and compromises the principle of impartiality as envisaged in Article 144(2) of the constitution of Ghana.

The Chief Justice's unilateral nomination or proposal of judges for appointment by the President to the Supreme Court could undermine the principle of separation of powers, which ensures the Judiciary's independence from the Executive. Direct communication between the Chief Justice and the President could potentially lead to "quid pro quo" arrangements, posing a significant risk to the integrity of our democracy especially at a time when the Chief Justice herself is an appointee of the current President.



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The Chief Justice is the sole authority for choosing the panel for hearing all cases. The unilateral decision by the Chief Justice to nominate an additional five judges raises concerns of bias and partiality. This means the Chief Justice can not only determine which judges are appointed to the Supreme Court, but also which judges sit on specific cases. This concentration of power and the procedural issues raises significant concerns about the integrity of the outcomes of various cases.

Moreover, recent surveys indicate low public trust and confidence in the judiciary and the courts for that matter, with all the issues raised, the trajectory the Chief Justice is heading could further jeopardize the integrity of the judiciary and further diminish public trust and confidence in the courts. At a point where the working people of our country are highly agitated about how the country is governed, the courts must be a safe option to find justice and not worse agents of oppression.

In recent times, a lot of well-meaning Ghanaians including the National Security Minister have spoken out on the conduct of the courts and that some of the decisions of the courts could be a threat to national security. The unilateral decision of the Chief Justice could worsen this concern and further have national security implications.

The Accra Collective of the Socialist Movement of Ghana calls on the President of Ghana to as a matter of urgency reject the nomination of the additional Supreme Court Justices. We also call on the Chief Justice to withdrawal the nominations as soon as possible. We further call on the parliament of Ghana not to take any step or steps to vet or approve these nominations.

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